

ACT No. 523

HOUSE BILL NO. 833

BY REPRESENTATIVES DOVE, BOBBY BADON, BILLIOT, HENRY BURNS, CHAMPAGNE, FOIL, HENDERSON, LAMBERT, LANDRY, LEGER, LITTLE, MONToucET, AND MORRIS AND SENATORS ALARIO, AMEDEE, APPEL, BROOME, CHAISSON, CHEEK, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, B. GAUTREAU, N. GAUTREAU, GRAY EVANS, GUILLORY, HEBERT, HEITMEIER, KOSTELKA, LAFLEUR, LONG, MARTINY, MICHOT, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SHAW, THOMPSON, AND WALSWORTH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 36:4(Z), 351(C)(1), 358(B), 501(B) and (C)(1), 502(A) and (B), and 508.3(A), (B), (C), (F), and (G), R.S. 38:81, 100(introductory paragraph), 101(A) and (B), 102, 103(A) and (B), 106(A)(1) and (2)(introductory paragraph) and (B), 107(A), 108, and 109, R.S. 49:214.1 and 214.2, R.S. 56:421(B)(introductory paragraph) and (1), (C), and (E)(4), 424(H), 425(E), 427.1(C), 432.1(A), (B)(introductory paragraph) and (1)(a), (2), (3), and (4), (C)(introductory paragraph) and (1), (D)(1), and 432.2, to enact R.S. 35:410, R.S. 49:214.3.1, 214.4.1 and 214.4.2, 214.5.1 through 214.5.8, and 214.6.1 through 214.6.10, and R.S. 56:421(B)(13), and to repeal R.S. 36:4(J), Chapter 3-A of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:241 through 251, Subpart A of Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, comprised of R.S. 49:213.1 through 213.12, and 49:214.3 through 214.16, relative to hurricane protection, flood control, and coastal restoration; to create the Office of Coastal Protection and Restoration in the office of the governor; to consolidate functions relative to hurricane protection, flood control, and coastal restoration under the authority of that office; to provide relative to the powers, duties, functions, and responsibilities of that office; provides for the interrelations between the governor's executive assistant for coastal activities, the Coastal Protection and Restoration Authority, the Governor's Advisory Commission on Coastal Protection, Restoration,

1 and Conservation, and the Office of Coastal Protection and Restoration. and to
2 provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 36:4(Z), 351(C)(1), 358(B), 501(B) and (C)(1), 502(A) and (B), and
5 508.3(A), (B), (C), (F), and (G) are hereby amended and reenacted to read as follows:

6 §4. Structure of executive branch of state government

7 * * *

8 Z. The Governor's Advisory Commission on Coastal Protection, Restoration
9 and Conservation (R.S. ~~49:214.11 et seq.~~ 49:214.4.1) and the Coastal Protection and
10 Restoration Authority (R.S. 49:214.5.1 et seq.), and the Office of Coastal Protection
11 and Restoration (R.S. 49:214.6.1 et seq.), shall be placed within the office of the
12 governor and shall perform and exercise its their powers, duties, functions, and
13 responsibilities as provided by law.

14 * * *

15 §351. Department of Natural Resources; creation, domicile; composition; purposes
16 and functions

17 * * *

18 C.(1) The Department of Natural Resources shall be composed of the
19 executive office of the secretary, the office of management and finance, the office
20 of conservation, the office of mineral resources, the office of coastal ~~restoration and~~
21 management, the Oilfield Site Restoration Commission, and such other offices as
22 shall be created by law.

23 * * *

24 §358. Offices; purposes and functions

25 * * *

26 B.(1) The office of coastal ~~restoration and~~ management shall perform the
27 functions of the state relative to ~~conservation, development and, where feasible,~~
28 ~~restoration and enhancement of the state's coastal wetlands resources, and will serve~~
29 ~~as the primary state agency responsible for implementation of the state's coastal~~
30 ~~vegetated wetlands conservation and restoration plan.~~

1 (2) The secretary, undersecretary, deputy secretary, assistant secretary of
 2 planning and programming, assistant secretary of operations, assistant secretary of
 3 public works, ~~hurricane flood protection~~, and intermodal transportation, executive
 4 director of the Offshore Terminal Authority, and such other positions which may be
 5 authorized by the State Civil Service Commission or the state constitution shall be
 6 the only unclassified positions in the Department of Transportation and
 7 Development. All other positions in the department shall be in the classified state
 8 service. The secretary shall fill such positions as in his opinion and judgment are
 9 necessary to the operation of the department in accordance with applicable rules and
 10 regulations of the State Civil Service Commission and applicable law.

11 B. No person serving as a secretary, undersecretary, deputy secretary, chief
 12 engineer, assistant secretary of planning and programming, assistant secretary of
 13 operations, or assistant secretary of public works, ~~hurricane flood protection~~, and
 14 intermodal transportation, or in any other office in the department shall receive any
 15 additional salary from the state other than that salary which he receives by virtue of
 16 serving in any one of such offices. Any statewide elected official appointed to serve
 17 as a secretary or deputy secretary shall not receive any additional salary from the
 18 state other than that salary which he receives as a statewide elected official.

19 * * *

20 §508.3. Office of public works, ~~hurricane flood protection~~, and intermodal
 21 transportation; functions; assistant secretary; powers and duties

22 A. There is hereby created within the Department of Transportation and
 23 Development the office of public works, ~~hurricane flood protection~~, and intermodal
 24 transportation which shall administer all matters, including engineering, related to
 25 the programs of the state ~~with respect to the design, construction, extension,~~
 26 ~~improvement, repair, and regulation of hurricane flood protection, including but not~~
 27 ~~limited to the construction and design of a hurricane flood protection system~~
 28 ~~consisting of levees and associated elements to provide protection against tidal~~
 29 ~~surges within the Louisiana coastal zone as defined in R.S. 49:214.24, and other~~
 30 special hurricane flood protection programs as may be directed by the secretary, and

1 with respect to aviation, public transportation, public mass transit, railroad, and water
 2 transportation systems, and public works functions of the state related to flood and
 3 drainage control, reclamation, water resources, soil conservation, mapping, disaster
 4 relief and related matters, and other special programs as may be directed by the
 5 secretary. The office shall also administer the state's participation in the National
 6 Flood Insurance Program, 42 USC 4001 et seq.

7 B. The office of public works, ~~hurricane flood protection~~, and intermodal
 8 transportation shall be under the immediate supervision of the assistant secretary of
 9 the office of public works, ~~hurricane flood protection~~, and intermodal transportation,
 10 who shall be appointed by the governor. He shall serve at the pleasure of the
 11 secretary. ~~He shall be a competent engineer of recognized ability and standing who~~
 12 ~~is experienced in the engineering duties pertaining to public works, hurricane flood~~
 13 ~~protection, and intermodal transportation. He shall be licensed to practice civil~~
 14 ~~engineering in Louisiana. He shall give his whole time to the duties of his office.~~

15 C. The assistant secretary shall have authority subject to approval of the
 16 secretary in accordance with applicable rules and regulations of the civil service
 17 commission to employ, appoint, transfer, assign, and promote such personnel as is
 18 are necessary for the efficient administration of the public works, ~~hurricane flood~~
 19 ~~protection~~, and intermodal transportation programs of the state.

20 * * *

21 F. The assistant secretary of public works, ~~hurricane flood protection~~, and
 22 intermodal transportation shall ~~approve all plans, specifications, and estimates for~~
 23 ~~the construction of all facilities and projects for which his office is responsible. He~~
 24 ~~also shall~~ have such ~~other~~ duties as may be assigned to him by the secretary, by the
 25 provisions of this Chapter, or by the laws of this state. He shall report the
 26 proceedings of his office annually to the secretary of the department and at such
 27 other times as the secretary may designate, and he shall make any additional reports
 28 as are required by the secretary.

29 G. The secretary is specifically authorized and empowered to perform any
 30 of the duties of the assistant secretary of public works, ~~hurricane flood protection~~,

1 and intermodal transportation when the assistant secretary is absent or incapacitated
 2 or when in the opinion of the secretary it would be in the best interest of the
 3 department. The assistant secretary of public works, ~~hurricane flood protection~~, and
 4 intermodal transportation with approval of the secretary may designate a ~~licensed~~
 5 engineer member of the senior staff in the office of public works, ~~hurricane flood~~
 6 ~~protection~~, and intermodal transportation to perform any duties required of the
 7 assistant secretary.

8 * * *

9 Section 2. R.S. 38:81, 100(introductory paragraph), 101(A) and (B), 102, 103(A) and
 10 (B), 106(A)(1) and (2)(introductory paragraph) and (B), 107(A), 108, and 109 are hereby
 11 amended and reenacted to read as follows:

12 §81. Governor authorized to enter into contracts with federal authorities

13 A. The Governor on behalf of the state or any state board, commission,
 14 agency, body politic or political subdivision or any section of the state may make and
 15 execute with any person, including the Secretary of the Army, the Chief of Engineers
 16 of the United States Army, or any other authorized representative of the federal
 17 government, any contract, agreement, arrangement, or undertaking, transaction,
 18 designed, or intended to carry out, effect, accomplish, or secure the benefits and
 19 obligations of any state or federal law, now existing or hereafter enacted, with
 20 respect to the control of flood waters, the navigation or use of the rivers flowing
 21 through this state or the reclamation, reforestation, soil preservation or protection and
 22 development of any lands, areas, or property situated in this state, the establishment
 23 of game sanctuaries, animal refuges, agricultural experimental or development
 24 projects, the development of our waterways, lowlands, drainage areas, storage
 25 basins, reservoirs, spillways, floodways, diversion channels for flood waters and
 26 areas, and all similar undertakings, whether specifically mentioned herein or not.
 27 The Governor shall see to it that the interests of the state and its subdivisions, the
 28 rights and interests of its citizens and their property are adequately safeguarded and
 29 protected, as far as may be.

1 B. Whenever the Governor acts on behalf of any state board, commission,
2 political subdivision, or body politic, he shall transmit a copy of the written evidence
3 of the agreement or contract certified by the Secretary of State to the official
4 custodian of the records of the board, commission, agency, or authority who shall file
5 and record it in the records of its official proceedings. The agreement shall then
6 become binding and effective upon the body or agency as if duly and regularly
7 considered, authorized, adopted, executed, and ratified by the body or agency.

8 C. The Governor may utilize to whatever extent they are empowered by law
9 to function the various levee boards or boards of levee commissioners of this state,
10 the Department of Public Works, the Coastal Protection and Restoration Authority,
11 the Office of Coastal Protection and Restoration, or any other state board,
12 commission, agency, or political subdivision. These authorities shall, to the fullest
13 extent of their capacity, fully cooperate and coordinate their efforts under his
14 direction in carrying out and accomplishing the obligations and requirements of the
15 agreements and undertakings.

16 * * *

17 §100. Object and purpose

18 It is the object and purpose of this Chapter to provide for participation by the
19 state of Louisiana in the Westwego to Harvey Canal hurricane protection project, for
20 modifications of the Westwego to Harvey Canal hurricane protection project to
21 include the Lake Cataouatche area, the East of Harvey Canal hurricane protection
22 project, and for any other future project modifications or additions within the
23 parishes of Jefferson, Orleans, Plaquemines, and St. Charles. It is further the object
24 of this Chapter to designate the ~~Louisiana Department of Transportation and~~
25 ~~Development~~ Coastal Protection and Restoration Authority as the nonfederal sponsor
26 for the construction of the projects and to furnish the United States such assurances
27 and cooperation as may be required by the Congress of the United States that the
28 department will:

29 * * *

1 §101. West Bank Hurricane Protection Projects

2 A. For the purpose established in this Chapter, ~~and in the act of designation~~
 3 ~~dated May 5, 1993, promulgated by the governor pursuant to R.S. 38:81, designating~~
 4 ~~the Department of Transportation and Development~~ Coastal Protection and
 5 Restoration Authority ~~as shall be designated~~ the nonfederal sponsor for the
 6 construction of the Westwego to Harvey Canal hurricane protection project, for
 7 modifications of the Westwego to Harvey Canal hurricane protection project to
 8 include the Lake Cataouatche area, the East of Harvey Canal hurricane protection
 9 project, and for any other future project modifications or additions within the
 10 parishes of Jefferson, Orleans, Plaquemines, and St. Charles; ~~the secretary of the~~
 11 ~~department~~ The chairman of the Coastal Protection and Restoration Authority is
 12 authorized to negotiate and contract with the United States of America to provide
 13 such assurances and cooperation as ~~is~~ are necessary for the purposes authorized in
 14 this Chapter, including the negotiation and contract for any future modifications to
 15 the current local cooperation agreement between the West Jefferson Levee District
 16 and the Department of the Army for the Westwego to Harvey Canal hurricane
 17 protection project. ~~The secretary~~ chairman of the Coastal Protection and Restoration
 18 Authority is authorized to contract for the construction of these projects, including
 19 any future project modifications or additions, and for the financing of the nonfederal
 20 share of the construction cost by the United States to be repaid by the state, with
 21 interest over a thirty-year period.

22 B. ~~The secretary~~ chairman of the Coastal Protection and Restoration
 23 Authority is authorized to proceed and cooperate in the planning, engineering,
 24 design, and construction of the Westwego to Harvey Canal hurricane protection
 25 project, for modifications of the Westwego to Harvey Canal hurricane protection
 26 project to include the Lake Cataouatche area, the East of Harvey Canal hurricane
 27 protection project, and for any other future project modifications or additions within
 28 the parishes of Jefferson, Orleans, Plaquemines, and St. Charles; to wit, providing
 29 the highest level of hurricane protection, consisting of levees, floodwall, floodgates,
 30 and related structures, as may be economically justified for those portions of

1 Jefferson, Orleans, Plaquemines, and St. Charles parishes located on the west bank
2 of the Mississippi River generally between the easternmost guide levee of the Davis
3 Pond Freshwater Diversion Project in St. Charles Parish and the community of
4 Oakville, Louisiana, in Plaquemines Parish.

5 * * *

6 §102. Powers

7 A. The ~~department~~ Coastal Protection and Restoration Authority may do all
8 things necessary to carry out the purposes of this Chapter, including but not limited
9 to the things expressly provided for in this Section.

10 B. The ~~department~~ Coastal Protection and Restoration Authority may enter
11 into contracts and agreements of any nature for the purposes of this Chapter with any
12 person either natural or artificial, corporation, association, or other entity, including
13 public corporations, levee districts, port authorities, state departments, agencies,
14 parishes, municipalities, the United States government and agencies thereof, or any
15 combination thereof or with instrumentalities of every kind, and may designate any
16 department, agency, municipality, parish, levee district, and industrial district, or
17 other political subdivision of the state as its agent to carry out the purposes of and
18 the powers granted under this Chapter. The ~~secretary~~ chairman of the Coastal
19 Protection and Restoration Authority may negotiate with and enter into contracts or
20 other agreements with any such person or entity concerning the joint administration
21 of the project, including jurisdictional aspects of the state's administration of the
22 project, and providing lands, servitudes and rights-of-way, and the relocation of
23 project facilities and may engage jointly in the exercise of any power and in the
24 construction of any facilities and improvements for the purposes of the project on
25 any basis, including matching of funds, which the participating entities may
26 undertake under any provision of general or special law.

27 C. The ~~department~~ Coastal Protection and Restoration Authority may
28 institute or defend in courts of competent jurisdiction, including for the purposes of
29 this Chapter, the courts and administrative tribunals of the United States of America,
30 any legal proceedings that may be necessary or required to compel compliance with

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 this Chapter or any actions taken hereunder or that may arise out of the performance
2 of the obligations and duties imposed by this Chapter.

3 D. The powers granted under this Chapter shall be regarded as supplemental
4 to powers conferred on the ~~Department of Transportation and Development~~ Coastal
5 Protection and Restoration Authority by other laws.

6 §103. Coordination and cooperation

7 A. It is the policy of this Chapter that the West Bank hurricane protection
8 projects be pursued so that there is full coordination and cooperation between all
9 federal and state entities that have complementing or overlapping interests and
10 authority in the projects. The ~~secretary of the Department of Transportation and~~
11 ~~Development~~ chairman of the Coastal Protection and Restoration Authority is
12 authorized to coordinate all of the state and local governmental aspects of the
13 projects so that there is an orderly development of the project.

14 B. The ~~secretary of the Department of Transportation and Development~~ is
15 chairman of the Coastal Protection and Restoration Authority is authorized to call
16 upon the West Jefferson Levee District, the Orleans Levee District, Plaquemines
17 Parish, St. Charles Parish, and all other commissions and districts and state agencies,
18 departments, and political subdivisions of the state for full and complete cooperation
19 and assistance in carrying out the provisions of this Chapter, and all such entities are
20 hereby directed and it shall be their duty to cooperate and assist the department to the
21 fullest extent possible.

22 * * *

23 §106. Object and purpose

24 A.(1) It is the object and purpose of this Chapter to provide for participation
25 by the state of Louisiana in the Lower Atchafalaya River interim flood protection
26 project.

27 (2) It is further the object of this Chapter to designate the ~~Louisiana~~
28 ~~Department of Transportation and Development~~ Coastal Protection and Restoration
29 Authority as the non-federal sponsor for the construction of the projects and to

1 furnish the United States such assurances and cooperation as may be required by the
2 Congress of the United States that the ~~department~~ authority shall:

3 * * *

4 B. The ~~department~~ Coastal Protection and Restoration Authority shall repay
5 to the United States, with interest, the non-federal share of the construction of the
6 projects.

7 §107. Lower Atchafalaya River interim flood protection projects

8 A. For the purpose established in this Chapter and for the purposes of
9 designating the ~~Department of Transportation and Development~~ Coastal Protection
10 and Restoration Authority as the non-federal sponsor for the construction of the
11 Lower Atchafalaya River interim flood protection project, the ~~secretary of the~~
12 ~~department~~ chairman of the Coastal Protection and Restoration Authority may
13 negotiate and contract with the United States to provide such assurances and
14 cooperation as is necessary. The ~~secretary~~ chairman of the Coastal Protection and
15 Restoration Authority is authorized to contract for the construction of these projects
16 and for the financing of the non-federal share of the construction cost by the United
17 States to be repaid by the state, with interest.

18 * * *

19 §108. Powers

20 A. The ~~department~~ Coastal Protection and Restoration Authority may do all
21 things necessary to carry out the purposes of this Chapter, including but not limited
22 to the things expressly provided for in this Section.

23 B.(1) The ~~department~~ Coastal Protection and Restoration Authority may
24 enter into contracts and agreements of any nature for the purposes of this Chapter
25 with any person, natural or artificial, corporation, association or other entity,
26 including public corporations, levee districts, port authorities, state departments,
27 agencies, parishes, municipalities, the United States government and agencies
28 thereof, or any combination thereof or with instrumentalities of every kind, and may
29 designate any department, agency, municipality, parish, levee district, and industrial

1 district or other political subdivision of the state as its agent to carry out the purposes
2 of the powers granted under this Chapter.

3 (2) The ~~secretary~~ chairman of the Coastal Protection and Restoration
4 Authority may negotiate with and enter into contracts or other agreements with any
5 such person or entity concerning the joint administration of the project, including
6 jurisdictional aspects of the state's administration of the project, and providing lands,
7 servitudes, and rights-of-way, the relocation of project facilities and may engage
8 jointly in the exercise of any power and in the construction of any facilities and
9 improvements for the purposes of the project on any basis, including matching of
10 funds, which the participating entities may undertake under any provision of general
11 or specific law.

12 C. The ~~department~~ chairman of the Coastal Protection and Restoration
13 Authority may institute or defend in courts of competent jurisdiction, including for
14 the purposes of this Chapter the courts and administrative tribunals of the United
15 States, any legal proceedings that may be necessary or required to compel
16 compliance with this Chapter or any actions taken hereunder or that may arise out
17 of the performance of the obligations and duties imposed by the Chapter.

18 D. The powers granted under this Chapter shall be regarded as supplemental
19 to powers conferred on the ~~Department of Transportation and Development~~ Coastal
20 Protection and Restoration Authority by other laws.

21 §109. Coordination and cooperation

22 A. It is the policy of this Chapter that the Lower Atchafalaya interim flood
23 protection projects be pursued so that there is full coordination and cooperation
24 between all federal and state entities that have complementing or overlapping
25 interests and authority in the projects. The ~~secretary of the Department of~~
26 ~~Transportation and Development~~ chairman of the Coastal Protection and Restoration
27 Authority may coordinate all of the state and local governmental aspects of the
28 projects so that there is an orderly development of the project.

29 B. The ~~secretary of the Department of Transportation and Development~~
30 chairman of the Coastal Protection and Restoration Authority may call upon the

1 cities of Morgan City and Berwick, and all other commissions and districts and state
 2 agencies, departments, and political subdivisions of the state for full and complete
 3 cooperation and assistance in carrying out the provisions of this Chapter, and all such
 4 entities are hereby directed and it shall be their duty to cooperate and assist the
 5 department to the fullest extent possible.

6 Section 3. R.S. 49:214.1 and 214.2 are hereby amended and reenacted and R.S.
 7 49:214.3.1, 214.4.1 and 214.4.2, 214.5.1 through 214.5.8, and 214.6.1 through 214.6.10 are
 8 hereby enacted to read as follows:

9 ~~SUBPART B. LOUISIANA COASTAL WETLANDS~~
 10 ~~CONSERVATION AND RESTORATION PROGRAM~~
 11 HURRICANE PROTECTION, FLOOD CONTROL AND COASTAL RESTORATION

12 §214.1. ~~Short title~~ Purpose and intent

13 ~~This Subpart shall be known and may be cited as the Louisiana Coastal~~
 14 ~~Wetlands Conservation and Restoration Act.~~

15 ~~(R.S. 49:213.1(A))~~ A. Louisiana and its citizens have suffered catastrophic losses
 16 and human, economic, and social harm. For the benefit and protection of the state
 17 as a whole, its citizens, and its localities, hurricane protection is vital to survival.
 18 Hurricane protection and coastal restoration must be integrated to achieve a long-
 19 term solution of coastal protection. In addition to immediate needs for hurricane
 20 protection, coastal land loss in Louisiana continues in catastrophic proportions.
 21 Wetlands loss threatens valuable fish and wildlife production and the viability of
 22 residential, agricultural, energy, and industrial development in coastal Louisiana.

23 ~~(R.S. 49:213.1(B))~~ B. In the past, efforts by the state to address the myriad,
 24 interrelated problems of coastal protection have been inadequate, fragmented,
 25 uncoordinated, and lacking in focus and strong direction. The state must have a
 26 single agency with authority to articulate a clear statement of priorities and to focus
 27 development and implementation of efforts to achieve comprehensive integrated
 28 coastal protection. Without this authority, the safety of citizens, the viability of the
 29 state and local economies, and the long-term recovery from disasters such as
 30 Hurricanes Katrina and Rita remain in jeopardy.

1 ~~(R.S. 49:213.1(A))~~ C. The state must act to develop, implement, and enforce a
 2 comprehensive integrated coastal protection plan. The state must act to ensure that
 3 the plan ~~integrates~~ incorporates a systems approach to integrate hurricane protection
 4 and coastal restoration efforts in order to achieve long-term and comprehensive
 5 integrated coastal protection. Comprehensive integrated coastal protection must
 6 proceed in a manner that recognizes that the proper functioning of each protective
 7 element is critical to the overall success of the plan and that without such proper
 8 functioning the safety of the state and its citizens and the viability of the entire plan
 9 are threatened. Further, comprehensive integrated coastal protection must ~~further~~
 10 proceed in a manner that recognizes the powers and duties of political subdivisions,
 11 including flood protection authorities, and levee districts, to fund and manage local
 12 activities that are consistent with the goals of a comprehensive integrated coastal
 13 protection plan. The state must act to conserve, restore, create, and enhance
 14 wetlands and barrier shorelines or reefs in coastal Louisiana while encouraging use
 15 of coastal resources and recognizing that it is in the public interest of the people of
 16 Louisiana to establish a responsible balance between development and conservation.
 17 Management of renewable coastal resources must proceed in a manner that is
 18 consistent with and complementary to the efforts to establish a proper balance
 19 between development and conservation.

20 ~~(R.S. 49:213.2)~~ D. The legislature declares that it is the public policy of the
 21 state to develop and implement, on a comprehensive and coordinated basis, a
 22 ~~program for coastal vegetated wetlands conservation and restoration~~ an integrated
 23 coastal protection program in order to reduce if not eliminate the catastrophic rate
 24 of coastal land loss in Louisiana. Consistent with this goal, it is the policy of this
 25 state to achieve a proper balance between development and conservation and
 26 encourage the use of coastal resources.

27 ~~(R.S. 49:213.1(D))~~ ~~D.~~ E. It is the intention of the legislature that comprehensive
 28 integrated coastal protection be elevated to a position within state government of
 29 high visibility and action and that hurricane protection, storm damage reduction,
 30 flood control, and conservation and restoration of the coastal area be of high priority

1 within that structure. To provide aggressive state leadership, direction, and
 2 consonance in the development and implementation of policies, plans, and programs
 3 to achieve comprehensive integrated coastal protection, including the encouragement
 4 of multiple uses of the coastal ~~zone~~ area and to achieve a proper balance between
 5 development and conservation, restoration, creation, and nourishment of renewable
 6 coastal resources, the legislature places responsibility for the direction and
 7 development of the state's comprehensive master coastal protection plan with the
 8 Coastal Protection and Restoration Authority within the office of the governor. In
 9 order to maximize the effectiveness of integrated coastal protection efforts, ~~the~~
 10 ~~secretaries of the Department of Natural Resources and the Department of~~
 11 ~~Transportation and Development and the governor's executive assistant for coastal~~
 12 ~~activities shall use an integrated team effort to jointly coordinate master plan~~
 13 ~~development with federal agencies and political subdivisions, including levee~~
 14 ~~districts.~~ the Coastal Protection and Restoration Authority shall use an integrated
 15 effort to jointly coordinate master plan and annual plan development with the Office
 16 of Coastal Protection and Restoration, state agencies, political subdivisions,
 17 including flood protection authorities, levee districts, and federal agencies.

18 ~~(R.S. 49:213.1(E))~~ E. F. Notwithstanding any other provision of state law and in
 19 accordance with the requirements of the Department of Defense, Emergency
 20 Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and
 21 Pandemic Influenza Act of 2006, the Coastal Protection and Restoration Authority
 22 is established, authorized, and empowered to carry out any and all functions
 23 necessary to serve as the single entity responsible to act as the local sponsor for
 24 construction, operation and maintenance of all of the hurricane, storm damage
 25 reduction and flood control projects in areas under its jurisdiction, including the
 26 greater New Orleans and southeast Louisiana area.

27 §214.2. Policy Definitions

28 The legislature declares that it is the public policy of the state to develop and
 29 implement, ~~on a comprehensive and coordinated basis, a program for coastal~~
 30 ~~vegetated wetlands conservation and restoration in order to reduce if not eliminate~~

1 ~~the catastrophic rate of coastal land loss in Louisiana. Consistent with this goal, it~~
 2 ~~is the policy of this state to achieve a proper balance between development and~~
 3 ~~conservation and encourage the use of coastal resources.~~

4 As used in this Part, the following terms shall have the meaning ascribed to
 5 them below:

6 ~~R.S. 49:213.2(1)~~ (1) "Annual plan" means the state integrated coastal
 7 protection plan submitted annually to the legislature as provided in this Part
 8 including amendments to the plan, as determined by the authority. Such plan shall
 9 provide for protecting, conserving, enhancing, and restoring the coastal area through
 10 the construction and management of integrated coastal protection projects and
 11 programs pursuant to the provisions of R.S. 49:214.5.3.

12 ~~R.S. 49:213.2(2)~~ (2) "Authority" means the Coastal Protection and Restoration
 13 Authority.

14 ~~R.S. 49:213.2(3)~~ (3) "Coastal area" means the Louisiana Coastal Zone and
 15 contiguous areas subject to storm or tidal surge and the area comprising the
 16 Louisiana Coastal Ecosystem as defined in Section 7001 of 110 Public Law 114.

17 ~~R.S. 49:213.2(4)~~ (4) "~~Coastal~~ Integrated coastal protection" means plans,
 18 projects, policies, and programs intended to provide hurricane protection or coastal
 19 conservation or restoration, and shall include but not be limited to coastal restoration;
 20 coastal protection; infrastructure; storm damage reduction; flood control; water
 21 resources development; erosion control measures; marsh management; diversions;
 22 saltwater intrusion prevention; wetlands and central wetlands conservation,
 23 enhancement, and restoration; barrier island and shoreline stabilization and
 24 preservation; coastal passes stabilization and restoration; mitigation; storm surge
 25 reduction; or beneficial use projects.

26 ~~R.S. 49:213.2(5)~~ (5) "Conservation and restoration" means the conservation,
 27 protection, enhancement, and restoration of coastal ~~wetlands~~ resources including but
 28 not limited to coastal wetlands, marshes, cheniers, ridges, coastal forests, and barrier
 29 islands, shorelines, coastal passes, or reefs through the construction and management
 30 of coastal ~~wetlands~~ resources enhancement projects, including privately funded

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 marsh management projects or plans, and those activities requiring a coastal use
2 permit which significantly affect such projects or which significantly diminish the
3 benefits of such projects or plans insofar as they are intended to conserve or enhance
4 coastal ~~wetlands~~ resources consistent with the legislative intent as expressed in R.S.
5 ~~49:213.1~~ 49:214.1.

6 ~~R.S. 49:213.2(6)~~ (6) "Executive assistant" means the special assistant to the
7 governor for coordination of coastal activities as delineated in R.S. 49:214.3.1.

8 ~~R.S. 49:213.2(7)~~ (7) "Fund" means the Coastal Protection and Restoration
9 Fund.

10 ~~R.S. 49:213.2(8)~~ (8) "Hurricane protection" means ~~a system of barriers and~~
11 ~~associated elements~~ systems to provide protection against tidal and storm surges.

12 ~~R.S. 49:213.2(9)~~ (9) "Infrastructure" means publicly owned facilities or
13 systems in the coastal ~~zone~~ area that are negatively impacted by coastal land loss or
14 rising seas, and that serve a critical public purpose and are consistent with the
15 priorities stated in the master plan and the eligible uses of the Gulf of Mexico Energy
16 Security Act of 2006. The term shall not include levee, hurricane protection, or
17 coastal restoration systems.

18 ~~R.S. 49:213.2(10)~~ (10) "Master plan" or "comprehensive master coastal
19 protection plan" means the long-term comprehensive integrated coastal protection
20 plan combining coastal restoration, coastal zone management, storm damage
21 reduction, hurricane protection, flood control, and the protection, conservation,
22 restoration, and enhancement of coastal wetlands, marshes, cheniers, ridges, coastal
23 forests, and barrier shorelines or reefs, including amendments, as determined by the
24 authority to the plan. It shall include but not be limited to state and political
25 subdivision operations plans.

26 ~~R.S. 49:213.2(11)~~ (11) "Program" means a management strategy with
27 procedures, projects, schedules, operations, and related activities to achieve a stated
28 goal or objective.

29 ~~R.S. 49:213.2(12)~~ (12) "Project" means a physical structure or structures
30 designed and constructed according to the annual plan.

1 (13) "Office" means the Office of Coastal Protection and Restoration.

2 (14) "Executive director" means the person appointed to serve as the head
 3 of the Office of Coastal Protection and Restoration.

4 ~~R.S. 49:214.3(3)~~ (15) "Wetlands" means an open water area or an area that is
 5 inundated or saturated by surface or ground water at a frequency and duration
 6 sufficient to support, and that under normal circumstances does support, a prevalence
 7 of vegetation typically adapted for life in saturated soil conditions, but specifically
 8 excluding fastlands and lands more than five feet above mean sea level which occur
 9 within the designated coastal ~~zone~~ area of the state. Wetlands generally include
 10 swamps, marshes, bogs, and similar areas.

11 (16) "Sponsoring authority" means the governing authority of any municipal,
 12 parish, or other political subdivision submitting an application for funding of a
 13 project in the program.

14 §214.3.1. Governor's Executive Assistant for Coastal Activities

15 A. The executive assistant

16 ~~R.S. 49:213.3(B))~~ (1) ~~The authority shall be composed of the executive assistant~~
 17 ~~to the governor for coastal activities and other members as provided by R.S.~~
 18 ~~49:213.5. The executive~~ assistant shall be appointed by the governor, subject to
 19 Senate confirmation, ~~to serve~~ and shall serve at his the governor's pleasure. He shall
 20 report directly to the governor.

21 ~~R.S. 49:213.3(C)(1))~~ (2) The governor, through the executive assistant, consistent
 22 with the legislative intent as expressed in R.S. ~~49:213.1~~ 49:214.1, shall coordinate
 23 the powers, duties, functions, and responsibilities of any state agency relative to
 24 integrated coastal protection. ~~coastal protection and restoration and shall administer~~
 25 ~~the programs of the authority. The executive assistant may use the contracting~~
 26 ~~authority of any state department or agency to implement the provisions of this~~
 27 ~~Subpart. Such contracting authority shall include design-build where appropriate.~~

28 ~~(R.S. 49:213.3(C)(2)(a))~~ (3) The executive assistant shall employ necessary
 29 staff to carry out the duties and functions ~~of the authority~~ as provided in this Part or
 30 as otherwise provided by law and may seek and utilize the assistance of personnel

1 in of the Office of Coastal Protection and Restoration or any state department or
 2 agency to carry out ~~the duties and functions~~ his duties, functions, and responsibilities
 3 as provided in this Part or otherwise provided by law. He shall ~~(R.S.~~
 4 ~~49:213.4(B)(11))~~ manage his personnel as provided by law and shall
 5 ~~R.S. 49:213.4(B)(12)~~ manage his budget, office, and related functions as provided
 6 by law.

7 ~~R.S. 49:213.3(C)(2)(b))~~ (4) The executive assistant shall commission a study
 8 to determine the appropriate education, experience, compensation, background, and
 9 credentials necessary for a person to serve as the executive director of engineering
 10 ~~and science~~ for the Office of Coastal Protection and Restoration. ~~Based on the~~
 11 ~~findings of that study, the executive assistant shall employ a staff person or utilize~~
 12 ~~the services of a person from a state department or agency to function as the director~~
 13 ~~of engineering and science. The executive assistant shall ensure that the person has~~
 14 ~~the respect of the scientific and engineering communities and the appropriate~~
 15 ~~capabilities to serve in such position.~~ Based on the findings of that study, the
 16 governor shall appoint an executive director who shall serve at the pleasure of the
 17 governor.

18 B. Functions and responsibilities

19 ~~R.S. 49:213.4(B)~~ (1) The governor, through the executive assistant, shall:
 20 ~~R.S. 49:213.4(B)(1)~~ (a) Coordinate all state departmental budget requests for
 21 programs and projects pertaining to ~~infrastructure, coastal protection, including~~
 22 ~~hurricane protection and coastal wetlands conservation and restoration, including~~
 23 ~~mitigation projects related to wetlands in the coastal zone,~~ integrated coastal
 24 protection as well as all requests for funds to be appropriated from the Coastal
 25 Protection and Restoration Fund.

26 ~~R.S. 49:213.4(B)(2)~~ (b) Coordinate and focus the functions of all state agencies
 27 as they relate to ~~infrastructure,~~ integrated coastal protection, including infrastructure,
 28 hurricane protection and wetlands conservation and restoration, and mitigation
 29 projects related to wetlands in the coastal ~~zone~~ area.

1 ~~R.S. 49:213.4(B)(3)~~ (c) Review and reconcile state agency comments on federally
2 sponsored ~~infrastructure~~, integrated coastal protection, including infrastructure,
3 hurricane protection, water resource development projects or permitted conservation
4 and restoration activities to establish and present the official state position which
5 shall be consistent with the policies of the authority.

6 ~~R.S. 49:213.4(B)(4)~~ (d) Represent the policy and consensus viewpoint of the state
7 at the federal, regional, state, and local levels with respect to ~~infrastructure~~,
8 integrated coastal protection, including infrastructure, hurricane protection and
9 wetlands conservation and restoration, and mitigation projects related to wetlands in
10 the coastal ~~zone~~ area.

11 ~~R.S. 49:213.4(B)(5)~~ (e) Appraise the adequacy of statutory and administrative
12 mechanisms for coordinating the state's policies and programs at both the intrastate
13 and interstate levels with respect to ~~infrastructure~~, integrated coastal protection,
14 including infrastructure, hurricane protection and wetlands conservation and
15 restoration, and mitigation projects related to wetlands in the coastal ~~zone~~ area.

16 ~~R.S. 49:213.4(B)(6)~~ (f) Appraise the adequacy of federal, regional, state, and local
17 programs to achieve the policies and meet the goals of the state with respect to
18 ~~infrastructure~~, integrated coastal protection, including infrastructure, hurricane
19 protection and wetlands conservation and restoration.

20 ~~R.S. 49:213.4(B)(7)~~ (g) Oversee and coordinate federal and state-funded research
21 related to integrated coastal protection, including coastal land loss and subsidence,
22 and the effects of storm surge.

23 ~~R.S. 49:213.4(B)(8)~~ (h) Coordinate and focus federal involvement in Louisiana
24 with respect to ~~infrastructure~~, integrated coastal protection, including infrastructure,
25 hurricane protection and coastal wetlands conservation and restoration.

26 ~~R.S. 49:213.4(B)(9)~~ (i) Provide the official state recommendations to the
27 legislature and congress with respect to policies, programs, and coordinating
28 mechanisms relative to ~~infrastructure~~, integrated coastal protection, including
29 infrastructure, hurricane protection and wetlands conservation and restoration, or
30 wetlands loss and storm surge research.

1 ~~R.S. 49:213.4(B)(10)~~ (j) Monitor and seek available federal and private funds
 2 consistent with the purposes of this Part.

3 ~~(R.S. 49:213.4(C)(6))~~ (k) Take such other actions not inconsistent with law as are
 4 necessary to properly perform the functions of the authority the duties, functions, and
 5 responsibilities of the executive assistant.

6 ~~R.S. 49:213.4(C)~~ (2) The governor, through his the executive assistant, may,
 7 in an effort to advance the plan or purposes of this Part, within any department,
 8 agency, board, or commission:

9 ~~R.S. 49:213.4(C)(1)~~ (a) Review and modify policies, procedures, or programs not
 10 established or approved by the legislature or pursuant to the Administrative
 11 Procedure Act that may affect the design, construction, operation, management, and
 12 monitoring and more particularly to require expeditious permitting of infrastructure
 13 and integrated coastal protection projects, ~~including hurricane protection projects,~~
 14 ~~restoration projects, wetlands enhancement or marsh management plans,~~ or
 15 expenditures from the fund.

16 ~~R.S. 49:213.4(C)(2)~~ (b) Review and request modifications of state departmental
 17 policies, procedures, programs, rules, and regulations that are established by law or
 18 pursuant to the Administrative Procedure Act that may affect the design,
 19 construction, operation, management, and monitoring of infrastructure, integrated
 20 coastal protection projects ~~including, hurricane protection projects, restoration~~
 21 ~~projects, wetlands enhancement or marsh management plans,~~ or expenditures from
 22 the ~~Fund~~ fund. Such rule changes shall be initiated by the appropriate department.

23 ~~R.S. 49:213.4(C)(3)~~ (c) Appoint advisory panels.

24 ~~R.S. 49:213.4(C)(7)~~ (d) Review and modify proposed coastal use permits prior to
 25 issuance to the extent that such permits would authorize activities which significantly
 26 affect ~~hurricane protection or wetlands conservation and restoration~~ integrated
 27 coastal protection projects or which significantly diminish the benefits of projects
 28 intended to protect, conserve or enhance coastal areas and to require the issuance of
 29 permits for public or private ~~wetlands enhancement~~ integrated coastal protection
 30 projects or plans.

1 §214.4.1. Governor's Advisory Commission on Coastal Protection, Restoration and
 2 Conservation

3 A. Statement of purpose

4 ~~(R.S. 49:214.11(A))~~ (1) Louisiana and its citizens have suffered catastrophic losses
 5 and human, economic, and social harm. For the benefit and protection of the state
 6 as a whole, its citizens, and its localities, hurricane protection is vital to survival.
 7 Hurricane protection and coastal restoration efforts must be integrated to achieve a
 8 long-term solution of integrated coastal protection. The state must act to develop,
 9 implement, and enforce a comprehensive integrated coastal protection plan. The
 10 state must act to ensure that the plan integrates hurricane protection, storm damage
 11 reduction, flood control, and coastal restoration efforts in order to achieve long-term
 12 and comprehensive integrated coastal protection.

13 ~~(R.S. 49:214.11(B))~~ (2) An important aspect of the need for integrated coastal
 14 protection is that Louisiana is annually losing between twenty-five and thirty-five
 15 square miles of coastal ~~wetlands~~ area to the Gulf of Mexico. In 2005, and again in
 16 2008, the coastal area suffered a devastating loss of ~~nearly one hundred~~ hundreds of
 17 square miles resulting from Hurricanes Katrina, ~~and Rita,~~ Gustav, and Ike. The loss
 18 of the state's coastal ~~wetlands~~ lands threatens natural, cultural, and economic
 19 resources which are of vital importance to our state and nation. The numerous
 20 benefits provided by our coastal ~~wetlands~~ area include the presence of an abundance
 21 of habitat for waterfowl, fur-bearing species, and fisheries that support recreational
 22 and commercial interests. In addition, our coastal ~~wetlands~~ area ~~act~~ acts as the first
 23 line of defense for coastal communities, including New Orleans, in the face of
 24 hurricanes and tropical storm surges. They also provide protection for the pipelines
 25 through which much of our nation's energy supply flows. And, our coastal ~~wetlands~~
 26 ~~are~~ area ~~is~~ home to unique and diverse cultures that have called the wetlands home
 27 for many generations.

28 ~~(R.S. 49:241.11(C))~~ (3) The state of Louisiana recognizes the need to develop,
 29 implement, and enforce a comprehensive integrated coastal protection plan. As a
 30 component of the plan, the state of Louisiana recognizes the necessity of establishing

1 a sustainable integrated coastal ecosystem. The task of developing a comprehensive
 2 integrated coastal protection plan and restoring and developing a sustainable
 3 coastline will require implementation of an holistic, comprehensive engineering plan
 4 which encompasses the entirety of southern Louisiana. It will require the
 5 cooperation and participation of numerous state, federal, and local agencies. In
 6 addition, the task of plan development and restoring and conserving this ecosystem
 7 will require the participation and support of the numerous and diverse interests that
 8 live, work, and recreate in those wetlands and others who depend upon our coast's
 9 continued health and existence. In order to provide a venue for input from the broad
 10 range of persons and groups who must participate in and assist the efforts to protect,
 11 preserve, restore, and enhance the coast of Louisiana, it is hereby declared to be in
 12 the public interest that the Governor's Advisory Commission on Coastal Protection,
 13 Restoration and Conservation be created in the office of the governor.

14 B. ~~The secretary shall:~~ Membership

15 ~~(1) Receive all monies appropriated from the Wetlands Conservation and~~
 16 ~~Restoration Fund and shall implement all programs and projects in the coastal~~
 17 ~~vegetated wetlands conservation and restoration plan approved by the legislature.~~

18 ~~(2) Negotiate and execute contracts, upon such terms as he may agree upon,~~
 19 ~~for legal, financial, engineering, construction, and other professional services~~
 20 ~~necessary in the conduct of the affairs of the office.~~

21 ~~(R.S. 49:214.12(A)(1))~~ (1) The Governor's Advisory Commission on Coastal
 22 Protection, Restoration and Conservation is hereby created and shall be composed
 23 as follows:

24 ~~(R.S. 49:214.12(A)(1)(a))~~ (a) Two members to be appointed by the governor
 25 from the academic community.

26 ~~(R.S. 49:214.12(A)(1)(b))~~ (b) Two members to be appointed by the governor
 27 from the business and industrial community.

28 ~~(R.S. 49:214.12(A)(1)(c))~~ (c) Two members to be appointed by the governor
 29 from the nonprofit corporation community.

- 1 ~~(R.S. 49:214.12(A)(1)(d))~~ (d) Two members to be appointed by the governor
- 2 from the conservation community.
- 3 ~~(R.S. 49:214.12(A)(1)(e))~~ (e) Two members to be appointed by the governor
- 4 from the agricultural community.
- 5 ~~(R.S. 49:214.12(A)(1)(f))~~ (f) Two members to be appointed by the governor
- 6 from governing bodies of political subdivisions of the state.
- 7 ~~(R.S. 49:214.12(A)(1)(g))~~ (g) Two members to be appointed by the governor
- 8 from the energy production and distribution sector.
- 9 ~~(R.S. 49:214.12(A)(1)(h))~~ (h) Two members to be appointed by the governor to
- 10 represent the fishing community, one of whom shall be from the commercial fishing
- 11 industry and one of whom shall be from the recreational fishing community.
- 12 ~~(R.S. 49:214.12(A)(1)(i))~~ (i) One member to be appointed by the governor from
- 13 the oyster industry.
- 14 ~~(R.S. 49:214.12(A)(1)(j))~~ (j) Two members to be appointed by the governor to
- 15 represent coastal landowners.
- 16 ~~(R.S. 49:214.12(A)(1)(k))~~ (k) Two members to be appointed by the governor to
- 17 represent ports and related industries.
- 18 ~~(R.S. 49:214.12(A)(1)(l))~~ (l) Six members to be appointed at large by the
- 19 governor.
- 20 ~~(R.S. 49:214.12(A)(1)(m))~~ (m) The president of the Senate or his designee.
- 21 ~~(R.S. 49:214.12(A)(1)(n))~~ (n) The speaker of the House of Representatives or his
- 22 designee.
- 23 ~~(R.S. 49:214.12(A)(1)(o))~~ (o) The chairman of the House Committee on Natural
- 24 Resources and Environment or his designee.
- 25 ~~(R.S. 49:214.12(A)(1)(p))~~ (p) The chairman of the Senate Committee on Natural
- 26 Resources or his designee.
- 27 ~~(R.S. 49:214.12(A)(1)(q))~~ (q) Two members appointed by the Association of
- 28 Levee Boards of Louisiana from the members of levee boards having districts
- 29 located in whole or in part within the Louisiana coastal ~~zone~~ area. The members so
- 30 appointed shall serve terms concurrent with that of the governor.

1 ~~(R.S. 49:214.12(A)(1)(r))~~ (r) One member appointed by the governor
2 representing the maritime industry.

3 ~~(R.S. 49:214.12(A)(1)(s))~~ (s) The chairman of the House Committee on
4 Transportation, Highways and Public Works or his designee.

5 ~~(R.S. 49:214.12(A)(1)(t))~~ (t) The chairman of the Senate Committee on
6 Transportation, Highways and Public Works or his designee.

7 ~~(R.S. 49:214.12(A)(2))~~ (2) In addition, the governor or the commission may
8 request employees of federal agencies involved with coastal restoration activities to
9 participate as nonvoting members of the commission.

10 C. ~~The secretary may:~~ Terms of appointment

11 ~~(1) Enter into cost sharing agreements with the federal government, with~~
12 ~~local governments, or with private entities to implement coastal vegetated wetlands~~
13 ~~conservation and restoration projects.~~

14 ~~(2) Acquire by purchase, donation, or otherwise any land needed for~~
15 ~~wetlands and coastal restoration or conservation projects and other property required~~
16 ~~for the operation of the projects that are to be owned and operated by the office or~~
17 ~~political subdivision of the state; provided, that any property acquired for any project~~
18 ~~shall reserve the minerals to the landowners, whether private or public, in accordance~~
19 ~~with the provisions of R.S. 31:149.~~

20 ~~(3) Develop procedures to evaluate new and improved coastal restoration~~
21 ~~and preservation technologies.~~

22 ~~(4) Perform pre-construction and post-construction monitoring of projects~~
23 ~~that will be implemented or have been implemented by the office.~~

24 ~~(5) Coordinate coastal restoration efforts with local governments, interest~~
25 ~~groups, and the public.~~

26 ~~(6) Develop, implement, operate, maintain, and monitor coastal restoration~~
27 ~~plans and projects.~~

28 ~~(7) Take any other action necessary to administer the program.~~

29 ~~(8) Develop guidelines for cost-sharing agreements with public and private~~
30 ~~entities undertaking approved coastal restoration projects.~~

1 ~~R.S. 49:214.12(B)(1)~~ (1) Each appointment shall be for a term of four years except
2 as provided in Paragraph (2) of this Subsection.

3 ~~R.S. 49:214.12(B)(2)~~ (2) The initial term for each appointee shall be as follows:

4 ~~R.S. 49:214.12(B)(1)(a)~~ (a) For the two appointments provided for in
5 Subparagraph ~~(A)~~B(1)(a) of this Section, one shall be appointed for an initial term
6 of six years, and one shall be appointed for an initial term of four years.

7 ~~R.S. 49:214.12(B)(1)(b)~~ (b) For the two appointments provided for in
8 Subparagraph ~~(A)~~B(1)(b) of this Section, one shall be appointed for an initial term
9 of five years, and one shall be appointed for an initial term of three years.

10 ~~R.S. 49:214.12(B)(1)(c)~~ (c) For the two appointments provided for in
11 Subparagraph ~~(A)~~B(1)(c) of this Section, one shall be appointed for an initial term
12 of six years, and one shall be appointed for an initial term of four years.

13 ~~R.S. 49:214.12(B)(1)(d)~~ (d) For the two appointments provided for in
14 Subparagraph ~~(A)~~B(1)(d) of this Section, one shall be appointed for an initial term
15 of five years, and one shall be appointed for an initial term of three years.

16 ~~R.S. 49:214.12(B)(1)(e)~~ (e) For the two appointments provided for in
17 Subparagraph ~~(A)~~B(1)(e) of this Section, one shall be appointed for an initial term
18 of six years, and one shall be appointed for an initial term of four years.

19 ~~R.S. 49:214.12(B)(1)(f)~~ (f) For the two appointments provided for in
20 Subparagraph ~~(A)~~B(1)(f) of this Section, one shall be appointed for an initial term
21 of five years, and one shall be appointed for an initial term of three years.

22 ~~R.S. 49:214.12(B)(1)(g)~~ (g) For the two appointments provided for in
23 Subparagraph ~~(A)~~B(1)(g) of this Section, one shall be appointed for an initial term
24 of six years, and one shall be appointed for an initial term of four years.

25 ~~R.S. 49:214.12(B)(1)(h)~~ (h) For the two appointments provided for in
26 Subparagraph ~~(A)~~B(1)(h) of this Section, one shall be appointed for an initial term
27 of five years, and one shall be appointed for an initial term of three years.

28 ~~R.S. 49:214.12(B)(1)(i)~~ (i) The appointment provided for in Subparagraph
29 ~~(A)~~B(1)(i) of this Section shall be appointed for an initial term of four years.

1 ~~R.S. 49:214.12(B)(1)(j)~~ (j) For the two appointments provided for in
 2 Subparagraph (~~AB~~)(1)(j) of this Section, one shall be appointed for an initial term
 3 of five years, and one shall be appointed for an initial term of three years.

4 ~~R.S. 49:214.12(B)(1)(k)~~ (k) For the two appointments provided for in
 5 Subparagraph (~~AB~~)(1)(k) of this Section, one shall be appointed for an initial term
 6 of six years, and one shall be appointed for an initial term of four years.

7 ~~R.S. 49:214.12(B)(1)(l)~~ (l) For the six appointments provided for in
 8 Subparagraph (~~AB~~)(1)(l) of this Section, two shall be appointed for an initial term
 9 of six years, two shall be appointed for an initial term of three years, and the
 10 remaining two shall be appointed for an initial term of one year.

11 ~~R.S. 49:214.12(C)~~ D. The governor shall appoint a chairman and a vice
 12 chairman.

13 ~~R.S. 49:214.13~~ E. The commission shall have the following powers, duties,
 14 and functions:

15 ~~R.S. 49:214.13(1)~~ (1) To advise the governor and the executive assistant for
 16 integrated coastal activities relative to the overall status and direction of the state's
 17 coastal protection ~~and restoration~~ program.

18 ~~R.S. 49:214.13(2)~~ (2) To provide a forum for coordinating integrated coastal
 19 protection ~~and restoration~~ activities and the exchange of information on the status of
 20 various state, federal, and local programs affecting integrated coastal protection;
 21 ~~preservation and restoration~~.

22 ~~R.S. 49:214.13(3)~~ (3) To foster cooperation on integrated coastal protection;
 23 ~~preservation and restoration~~ issues among federal, state, and local governmental
 24 agencies, conservation organizations, and the private sector.

25 ~~R.S. 49:214.13(4)~~ (4) To develop advice with respect to the identification and
 26 resolution of conflicts among agencies and stakeholders related to integrated coastal
 27 protection, ~~conservation and restoration~~ efforts and to assist in the identification of
 28 any other activity which might conflict with the integrated coastal protection;
 29 ~~conservation and restoration~~ efforts.

1 ~~R.S. 49:214.13(5)~~ (5) To review programs, conditions, trends, and scientific and
 2 engineering findings which affect integrated coastal protection, ~~restoration and~~
 3 ~~conservation~~ in order to make recommendations for improvements to the state's
 4 integrated coastal protection, ~~restoration and conservation~~ efforts.

5 ~~R.S. 49:214.13(6)~~ (6) To assist in the identification of potential sources of
 6 funding for integrated coastal protection, ~~restoration and conservation~~ programs and
 7 to develop advice with respect to developing recommendations for expenditures
 8 which are in the best interest of the state.

9 ~~R.S. 49:214.13(7)~~ (7) To report by March first each year to the governor and the
 10 legislature relative to the progress, challenges, and recommendations concerning
 11 policy and possible legislation for the integrated coastal protection, ~~restoration and~~
 12 ~~conservation~~ program.

13 ~~R.S. 49:214.14~~ F. The ~~Governor's Office of Coastal Activities~~ executive
 14 assistant shall provide staff services for the commission.

15 ~~R.S. 49:214.14~~ G. The commission shall meet as necessary at the call of the
 16 chairman. ~~In its first year of existence, the commission shall meet at least once each~~
 17 ~~quarter. Thereafter, the commission shall meet when necessary.~~ Members shall not
 18 receive a per diem for attendance at meetings but may be reimbursed for travel
 19 expenses and meals at the rate paid by the state for state employees.

20 ~~(R.S. 49:214.15)~~ G. H. The commission may appoint subcommittees to study
 21 and analyze issues affecting ~~coastal restoration and conservation~~ integrated coastal
 22 protection. The subcommittees may be composed of commission members and may
 23 include other members who are not appointed members of the commission. Any
 24 member of a subcommittee who is not a member of the commission shall ~~have been~~
 25 be appointed to the subcommittee by the commission in an open meeting, and they
 26 may be reimbursed for travel expenses and meals, at the rate paid by the state for
 27 state employees, but only if and to the extent approved by the commission.

1 §214.4.2. America's WETLAND Trail

2 ~~(R.S. 49:214.16(A))~~ A. The America's WETLAND Trail ~~is hereby created~~ may be
 3 established in the ~~Governor's Office of Coastal Activities~~ Office of Coastal
 4 Protection and Restoration.

5 ~~(R.S. 49:214.16(B))~~ B. The purpose of the America's WETLAND Trail shall be
 6 to heighten awareness of the dramatic coastal land loss occurring in south Louisiana
 7 and what that loss means to the entire state and the nation and to promote an
 8 understanding of how important the wetlands are to the state and the nation and what
 9 benefits are derived from these vital wetlands.

10 ~~(R.S. 49:214.16(C)(1))~~ C.(1) The ~~Governor's Office of Coastal Activities~~ Office of
 11 Coastal Protection and Restoration ~~shall~~ may develop and implement a plan for the
 12 trail which shall at a minimum meet the objectives in Paragraph ~~(b)~~(2) of this
 13 Subsection.

14 ~~(R.S. 49:214.16(C)(2))~~ (2) The trail will connect sites and events along coastal
 15 Louisiana from the western border with Texas to the eastern border with Mississippi.
 16 The sites included will highlight wildlife preserves and refuges, environmental and
 17 cultural resource centers, birding and nature trails, and cultural and historic sites. In
 18 addition, opportunities and tours will be included that allow visitors and state
 19 residents to experience the vast natural resources of the wetlands and the culture of
 20 our heritage through fairs and festivals, and generally to access the eco-tourism
 21 opportunities in the state of Louisiana.

22 §214.5.1. Coastal Protection and Restoration Authority

23 ~~(R.S. 49:213.3(A))~~ A. The Coastal Protection and Restoration Authority is hereby
 24 created within the office of the governor. The authority is hereby established, and
 25 shall exercise the powers and duties hereinafter set forth or otherwise provided by
 26 law. The provisions of R.S. 44:5(A) shall not be applicable to any activities or
 27 records of or pertaining to the authority.

28 ~~(R.S. 49:213.5)~~ B. The Coastal Protection and Restoration Authority shall
 29 consist of the following members:

30 ~~(R.S. 49:213.5(A)(1))~~ (1) Executive assistant to the governor for coastal activities.

- 1 ~~(R.S. 49:213.5(A)(2))~~ (2) Secretary of the Department of Natural Resources or his
- 2 designee.
- 3 ~~(R.S. 49:213.5(A)(3))~~ (3) Secretary of the Department of Wildlife and Fisheries or
- 4 his designee.
- 5 ~~(R.S. 49:213.5(A)(4))~~ (4) Secretary of the Department of Environmental Quality or
- 6 his designee.
- 7 ~~(R.S. 49:213.5(A)(5))~~ (5) Secretary of the Department of Transportation and
- 8 Development or his designee.
- 9 ~~(R.S. 49:213.5(A)(6))~~ (6) Secretary of the Department of Economic Development
- 10 or his designee.
- 11 ~~(R.S. 49:213.5(A)(7))~~ (7) Commissioner of administration or his designee.
- 12 ~~(R.S. 49:213.5(A)(8))~~ (8) Commissioner of agriculture and forestry or his designee.
- 13 ~~(R.S. 49:213.5(A)(9))~~ (9) Commissioner of insurance or his designee.
- 14 ~~(R.S. 49:213.5(A)(10))~~ (10) Seven members who shall be appointed by the
- 15 governor, in consultation with the Police Jury Association of Louisiana and the
- 16 Association of Levee Boards of Louisiana, from nominations submitted by levee
- 17 districts located in whole or in part in the coastal ~~zone~~ area, from legislators who
- 18 represent districts in whole or in part in the coastal ~~zone~~ area, and from parish
- 19 governing authorities located in whole or in part in the coastal ~~zone~~ area. The
- 20 appointees shall be residents of the coastal ~~zone~~ area and shall be appointed on a
- 21 proportional basis in such a manner as to reflect the population and land area of the
- 22 parishes located in whole or in part in the coastal ~~zone~~ area. However, there shall be
- 23 at least two appointees who reside in the area of the coastal ~~zone~~ area located west
- 24 of the Atchafalaya River and at least two appointees who reside in the area of the
- 25 coastal ~~zone~~ area located east of the Atchafalaya River.
- 26 ~~(R.S. 49:213.5(A)(11))~~ (11) The chair of the Governor's Advisory
- 27 Commission on Coastal Protection, Restoration, and Conservation or his designee.
- 28 ~~(R.S. 49:213.5(A)(12))~~ (12) The director of the Governor's Office of
- 29 Homeland Security and Emergency Preparedness or his designee.

1 ~~(R.S. 49:213.5(A)(13))~~ (13) The speaker of the House of Representatives, or
 2 his designee, who shall serve as an ex officio member who shall not have the
 3 authority to vote and who shall not be counted for purposes of a quorum.

4 ~~(R.S. 49:213.5(A)(14))~~ (14) The president of the Senate, or his designee, who
 5 shall serve as an ex officio member who shall not have the authority to vote and who
 6 shall not be counted for purposes of a quorum.

7 ~~(R.S. 49:213.5(B))~~ (15) Any member of the authority who represents a political
 8 subdivision shall recuse himself from deliberations and from voting on any matter
 9 concerning the taking of action against that political subdivision for lack of
 10 compliance with the plan.

11 ~~(R.S. 49:213.5(C))~~ C. The executive assistant shall serve as chairman and shall
 12 develop procedures for the operation of the authority.

13 §214.5.2. Functions and responsibilities; Coastal Protection and Restoration

14 Authority

15 A. The authority shall:

16 ~~(R.S. 49:213.4(A)(1))~~ (1) Represent the state's position in policy ~~implementation~~
 17 relative to the protection, conservation, enhancement, and restoration of the coastal
 18 area of the state through oversight of ~~coastal restoration, hurricane protection, and~~
 19 ~~infrastructure~~ integrated coastal protection projects and programs and by addressing
 20 activities which require a coastal use permit which could significantly affect
 21 ~~protection, conservation, and restoration~~ integrated coastal protection projects and
 22 programs, all consistent with the legislative intent as expressed in R.S. ~~49:213.1~~
 23 49:214.1.

24 ~~(R.S. 49:213.4(A)(2))~~ (2) Develop, coordinate, make reports on, and provide
 25 oversight for a comprehensive coastal protection master plan and annual ~~coastal~~
 26 ~~protection~~ plans, working in conjunction with state agencies, political subdivisions,
 27 including flood protection authorities, levee districts, and federal agencies. The
 28 master plan shall include a comprehensive strategy addressing the protection,
 29 conservation, enhancement, and restoration of the coastal area through the
 30 construction and management of ~~hurricane protection projects and coastal restoration~~

1 integrated coastal protection projects and programs, all consistent with the legislative
 2 intent as expressed in R.S. ~~49:213.1~~ 49:214.1. The annual ~~coastal protection~~ plan
 3 shall be developed as the annual implementation of the comprehensive master plan
 4 and shall be submitted to the legislature for approval as set forth in R.S. ~~49:213.6~~
 5 49:214.5.3. The annual ~~coastal protection~~ plan shall include a description and status
 6 of all projects and programs pertaining to ~~hurricane protection, coastal restoration,~~
 7 ~~infrastructure,~~ integrated coastal protection, including privately funded wetland
 8 enhancement projects or plans, and addressing those activities requiring a coastal use
 9 permit which significantly affect projects set forth in the plan, all consistent with the
 10 legislative intent as expressed in R.S. ~~49:213.1~~ 49:214.1.

11 ~~(R.S. 49:213.4(A)(3))~~ (3) Submit to the House Committee on Natural Resources and
 12 Environment and the Senate Committee on Natural Resources and the House
 13 Committee on Transportation, Highways and Public Works and the Senate
 14 Committee on Transportation, Highways and Public Works the integrated coastal
 15 protection plans developed pursuant to R.S. ~~49:213.6~~ 49:214.5.3. Upon approval of
 16 the plans by the legislative committees and prior to implementation of the plans, in
 17 whole or in part, the plans shall be approved by the legislature as provided in R.S.
 18 ~~49:213.6(D)~~ 49:214.5.3(E).

19 ~~(R.S. 49:213.4(A)(4))~~ (4) Have the discretion to approve and implement all requests
 20 for integrated coastal protection programs and projects ~~pertaining to hurricane~~
 21 ~~protection, infrastructure, and coastal conservation and restoration, and mitigation~~
 22 ~~projects related to wetlands~~ in the coastal ~~zone~~ area, insofar as such requests are for
 23 funds to be appropriated from the Coastal Protection and Restoration Trust Fund.

24 ~~(R.S. 49:213.4(A)(5))~~ (5) Be authorized to delegate any of its powers, duties, and
 25 functions to the chairman of the authority, to the executive assistant director of the
 26 Office of Coastal Protection and Restoration, or to state agencies, political
 27 subdivisions, including flood protection authorities, or levee districts.

28 ~~(R.S. 49:213.4(A)(6))~~ (6) Develop procedures in accordance with the Administrative
 29 Procedure Act and take actions against any entity, including political subdivisions,
 30 to enforce compliance with the comprehensive master coastal protection plan. Such

1 procedures and actions may include but are not limited to determinations of
 2 noncompliance; appeal from such determinations; the taking of administrative
 3 action, including the withholding of funds; and civil action, including the seeking of
 4 injunctive relief, or any other remedy necessary to ensure compliance with the plan.

5 ~~(R.S. 49:213.4(A)(7))~~ (7) Have the power and authority to enter into any contract
 6 with the federal government or any federal agency or any political subdivision of the
 7 state or private individual for the study, planning, engineering, design, construction,
 8 operation, maintenance, repair, rehabilitation, or replacement of any integrated
 9 coastal protection ~~coastal restoration, hurricane, infrastructure, storm damage~~
 10 ~~reduction, or flood control~~ project and to this end, may contract for the acceptance
 11 of any grant of money upon the terms and conditions, including any requirement of
 12 matching the grants in whole or part, which may be necessary.

13 ~~(R.S. 49:213.4(A)(8))~~ (8) Have the power and authority to maximize the use of
 14 non-federal funds and in-kind donations to provide for the costs associated with
 15 non-federal cost-share requirements associated with integrated coastal protection ~~and~~
 16 ~~restoration~~ projects.

17 (9) Develop guidelines for cost-sharing agreements with public and private
 18 entities participating in approved integrated coastal protection projects.

19 (10) Be the responsible party for the Westbank Hurricane Protection projects
 20 in accordance with R.S. 38:100 et seq., and the Lower Atchafalaya River Interim
 21 Flood Protection projects in accordance with R.S. 38:106 et seq.

22 B. The authority may:

23 ~~(R.S. 49:213.4(C)(4))~~ (1) Accept and use, in accordance with law, gifts, grants,
 24 bequests, endowments, or funds from any public or private source for purposes
 25 consistent with responsibilities and functions of the authority and take such actions
 26 as are necessary to comply with any conditions required for such acceptance.

27 ~~(R.S. 49:213.4(C)(5))~~ (2) Utilize the services of other executive departments of state
 28 government upon mutually agreeable terms and conditions.

29 ~~(R.S. 49:213.4(C)(6))~~ (3) Take such other actions not inconsistent with law as are
 30 necessary to perform properly the functions of the authority.

1 ~~(R.S. 49:213.4(F))~~ (4) ~~The authority shall adopt~~ Adopt rules and regulations in
 2 accordance with the Administrative Procedure Act to implement the provisions of
 3 this Subpart.

4 (5) Delegate signing authority for contracts to the chairman of the authority,
 5 the executive director of the Office of Coastal Protection and Restoration, or an
 6 authorized designee of either. Such designation by the chairman or the executive
 7 director shall be by authentic act.

8 ~~(R.S. 49:213.4(D))~~ C. Approval by the authority shall be required for any request
 9 by a state agency or department for any funds to finance research, programs,
 10 mitigation, or projects involving integrated coastal protection, including hurricane
 11 protection or the conservation and restoration of coastal wetlands resources;
 12 however, this Subsection shall not affect self-generated or dedicated funds.

13 ~~(R.S. 49:213.4(E))~~ D. No state agency or entity shall enter into a contract with
 14 the United States Army Corps of Engineers which would require the state to assume
 15 liability for or provide the cost of operations and maintenance for a hurricane
 16 protection project unless the contract provides for independent third-party review and
 17 evaluation in accordance with the best available science and technical capabilities
 18 to confirm the project's anticipated level of protection against hurricane flooding
 19 prior to the state or political subdivision assuming liability and operations and
 20 maintenance obligations. The independent third-party reviewer and evaluator
 21 provided for in the contract shall be approved by both the United States Army Corps
 22 of Engineers and the nonfederal sponsor. However, the provisions of this Subsection
 23 shall not apply to contracts for routine maintenance or other minor construction or
 24 repairs, or in cases where there is imminent threat to life or property, or when the
 25 chairman of the Coastal Protection and Restoration Authority, with the approval of
 26 the Coastal Protection and Restoration Authority, determines that an emergency
 27 exists whereby compliance with the provisions of this Subsection would create an
 28 unreasonable hardship.

29 E. Notwithstanding any other provision of law to the contrary, the
 30 Department of Wildlife and Fisheries may enter into a cooperative endeavor

1 agreement with the authority or a levee district to allow the use of the department's
 2 personnel, equipment or lands owned or leased by the state to satisfy wetland
 3 mitigation requirements imposed upon the authority or levee district by federal, state,
 4 or local law.

5 ~~(R.S. 49:213.4(F))~~ The authority shall adopt rules and regulations in accordance
 6 with the Administrative Procedure Act to implement the provisions of this Subpart.

7 §214.5.3. Coastal protection annual plans; development; priorities

8 ~~(R.S. 49:213.6(A)(1)(a))~~ A.(1) The authority shall, in accordance with the
 9 procedures set forth herein, develop a ~~comprehensive~~ master plan for integrated
 10 coastal protection and an annual plan for integrated coastal protection ~~plan~~ for
 11 protecting, conserving, enhancing, and restoring the coastal area through the
 12 construction and management of ~~hurricane protection and coastal restoration~~
 13 integrated coastal protection projects and programs, including privately funded
 14 marsh management projects or plans, and addressing those activities requiring a
 15 coastal use permit which significantly affect such projects, all consistent with the
 16 legislative intent as expressed in R.S. ~~49:213.1~~ 49:214.1, and which plan shall be
 17 subject to the approval of the legislature as provided in ~~Paragraph (2) of this~~
 18 ~~Subsection~~ Subsection B of this Section and Subsection ~~D~~ E of this Section. In
 19 addition, the authority, in accordance with the procedures set forth herein including
 20 legislative approval, shall review, revise, and amend the master plan when necessary
 21 or, at a minimum, every five years.

22 ~~(R.S. 49:213.6(A)(1)(b))~~ (2) The ~~comprehensive~~ master plan and the annual
 23 plan shall include requests for funding of projects and programs related to ~~hurricane~~
 24 integrated coastal protection and ~~coastal restoration~~. The annual plan shall include
 25 at least a three-year projection of funding of projects and programs related to
 26 ~~hurricane~~ integrated coastal protection, ~~coastal restoration, and infrastructure~~
 27 including, but not limited to, relevant public or private funding sources.

28 ~~(R.S. 49:213.6(A)(2))~~ B. The authority shall develop the master and annual plans
 29 in accordance with the following procedure:

1 ~~(R.S. 49:213.6(B)(2)(a))~~ (1) The authority shall conduct not less than three
 2 public hearings in separate locations in the western, central, and eastern areas of the
 3 coastal ~~zone~~ area for the purpose of receiving comments and recommendations from
 4 the public and elected officials. All public hearings must be held at least sixty days
 5 prior to the submission of the plans to the legislature.

6 ~~(R.S. 49:213.6(B)(2)(b))~~ (2) At least two weeks prior to each public hearing the
 7 authority shall contact the parish governing authorities, regional flood protection
 8 authorities, levee districts, and the state legislators of the parishes in the coastal ~~zone~~
 9 area for the purpose of soliciting their comments and recommendations and notifying
 10 them of the public hearing to be held in their area.

11 ~~(R.S. 49:213.6(B)(2)(c))~~ (3) Ten days prior to the first such public hearing the
 12 authority shall publish in the state register and the official state journal the schedule
 13 of public hearings setting out the location, place, and time of all the hearings.

14 ~~(R.S. 49:213.6(B)(2)(d))~~ (4) At least seven days prior to each hearing the
 15 authority shall publish a notice of the hearing in the official journal of each parish
 16 within the area of the hearing. The notice of a hearing shall have been published in
 17 the official journal of each parish in the coastal ~~zone~~ area prior to the final scheduled
 18 public hearing. The authority may provide for additional public hearings when
 19 necessary upon at least three days notice published in the official journal of the
 20 parishes in the area of the hearing and written notice to the parish governing
 21 authorities.

22 ~~(R.S. 49:213.6(B)(2)(e))~~ (5) The authority shall receive written comments and
 23 recommendations until thirty days prior to the submission of the master and annual
 24 plans to the legislative committees.

25 ~~(R.S. 49:213.6(B))~~ C. The ~~comprehensive coastal protection~~ master plan shall
 26 address ~~hurricane protection and coastal restoration~~ integrated coastal protection
 27 efforts from both short-term and long-range perspectives and shall incorporate
 28 structural, management, and institutional components of both efforts. The plan shall
 29 include but not be limited to the following:

1 ~~(R.S. 49:213.6(B)(1))~~ (1) A list of projects and programs required for the protection,
 2 conservation, enhancement, and restoration of the coastal area and the action
 3 required of each state agency to implement said project or program.

4 ~~(R.S. 49:213.6(B)(2))~~ (2) A schedule and estimated cost for the implementation of
 5 each project or program included in the master plan.

6 ~~(R.S. 49:213.6(C)(1))~~ D.(1) Where feasible, the ~~comprehensive~~ master plan shall
 7 include scientific data and other reasons, including but not limited to the social,
 8 geographic, economic, engineering, and biological considerations as to why each
 9 project or program was selected for inclusion. Specifically, this will include an
 10 explanation as to how each project or program advances the plan objectives with
 11 respect to the protection, conservation, enhancement, and restoration of the coastal
 12 area.

13 ~~(R.S. 49:213.6(C)(2))~~ (2) Prior to recommending any project for inclusion in the
 14 ~~comprehensive coastal protection~~ master plan, the authority shall identify and declare
 15 in writing:

16 ~~(R.S. 49:213.6(C)(2)(a))~~ (a) The public use benefits intended to be derived
 17 from the project which justify the project.

18 ~~(R.S. 49:213.6(C)(2)(b))~~ (b) The use benefits which private landowners are
 19 expected to derive from the project.

20 ~~(R.S. 49:213.6(C)(2)(c))~~ (c) The manner in which the benefits will be realized
 21 over the life of the project.

22 ~~(R.S. 49:213.6(C)(2)(d))~~ (d) The entities or persons who will be responsible for
 23 the long-term operation and maintenance of the project both in terms of manpower
 24 and cost.

25 ~~(R.S. 49:213.6(C)(2)(e))~~ (e) The entities or persons who will be responsible for
 26 monitoring the project to ensure that it is functioning properly and realizing the
 27 intended public and private benefits.

28 ~~(R.S. 49:213.6(D)(1))~~ E.(1) After adoption by the authority, the ~~comprehensive~~
 29 master plan shall be submitted to the House Committee on Natural Resources and
 30 Environment and the Senate Committee on Natural Resources and the House

1 Committee on Transportation, Highways and Public Works and the Senate
 2 Committee on Transportation, Highways and Public Works for approval. In
 3 addition, the annual ~~coastal protection~~ plan shall be submitted to the House
 4 Committee on Natural Resources and Environment and the Senate Committee on
 5 Natural Resources and the House Committee on Transportation, Highways and
 6 Public Works and the Senate Committee on Transportation, Highways and Public
 7 Works on or before the first fifteenth day of the regular legislative session of each
 8 year. The committees shall take action on the annual plan on or before ~~May fifteenth~~
 9 June first of each calendar year.

10 ~~(R.S. 49:213.6(D)(2))~~ (2) If any committee disapproves a plan, it shall send the plan
 11 back to the authority together with a brief summary of the reasons for disapproval
 12 and may make recommendations concerning changes it deems necessary or
 13 appropriate to remedy any deficiencies in the plan.

14 ~~(R.S. 49:213.6(D)(3))~~ (3) The legislature may approve or disapprove a plan by
 15 resolution adopted by a majority vote of the members of each house of the
 16 legislature. If the legislature disapproves ~~the a~~ plan, it shall include in the resolution
 17 a brief summary of the reasons for disapproval and may make recommendations
 18 concerning any changes it deems necessary or appropriate to remedy any
 19 deficiencies in the plan.

20 ~~(R.S. 49:213.6(D)(4))~~ (4) If the legislature approves the ~~comprehensive~~ master plan,
 21 or if the legislature fails to take action on the ~~comprehensive~~ master plan within sixty
 22 days after the plan is submitted, the authority shall implement the plan as submitted.
 23 If the legislature approves the annual plan, or if the legislature fails to disapprove the
 24 annual plan by July first, the authority shall implement the plan as submitted. The
 25 projects and programs provided for in the annual plan shall be undertaken in
 26 conformity with the order of priority as contained in the annual plan.

27 ~~(R.S. 49:213.6(D)(5))~~ (5) At any time subsequent to the adoption or implementation
 28 of a plan in accordance with the procedure set forth herein, the authority may amend
 29 or supplement the plan to add or delete projects and programs. No project shall be
 30 added or deleted unless and until the amendment to the plan is approved as provided

herein. Any such amendment to the plan submitted to the legislature shall conform to the requirements specified in Subsections B and ~~C~~ D of this Section.

§214.5.4. Funding and resource allocation

~~(R.S. 49:213.7(A)(1))~~ A. To provide a dedicated, recurring source of revenue for the development and implementation of a program to protect and restore Louisiana's coastal area, there is hereby established in the state treasury the Coastal Protection and Restoration Fund.

~~(R.S. 49:213.7(A)(2))~~ B. Of all mineral revenues received in each fiscal year by the state including those received as a result of the production of or exploration for minerals, hereinafter referred to as mineral revenues from severance taxes, royalty payments, bonus payments, or rentals, and excluding federal revenues received as provided in Subsection ~~C~~ E of this Section and such revenues received by the state as a result of grants or donations when the terms or conditions thereof require otherwise, the treasurer shall make the following allocations:

~~(R.S. 49:213.7(A)(1)(a))~~ (1) To the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana.

~~(R.S. 49:213.7(A)(1)(b))~~ (2) To the political subdivisions of the state as provided in Article VII, Sections 4(D) and (E) of the Constitution of Louisiana.

~~(R.S. 49:213.7(A)(1)(c))~~ (3) As provided by the requirements of Article VII, Sections 10-A and 10.1 of the Constitution of Louisiana.

~~(R.S. 49:213.7(B)(1))~~ C. After making the allocations provided for in Subsection ~~A~~ B of this Section, the treasurer shall then deposit in and credit to the Coastal Protection and Restoration Fund any amount of mineral revenues that may be necessary to ~~insure~~ ensure that a total of five million dollars is deposited into such fund for the fiscal year from this source; provided that the balance of the fund which consists of mineral revenues from severance taxes, royalty payments, bonus payments, or rentals shall not exceed the amount provided in Subsection ~~D~~ F of this Section.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 ~~(R.S. 49:213.7(B)(2))~~ D. After making the allocations and deposits as provided for
 2 in ~~Subsection A and Paragraph (B)(1)~~ Subsections B, and C of this Section, the
 3 treasurer shall deposit in and credit to the fund as follows:

4 ~~(R.S. 49:213.7(B)(2)(a))~~ (1) Two percent of the mineral revenues received in
 5 excess of the allocations provided for in ~~Subsection A and Paragraph (B)(1)~~
 6 Subsections B, and C of this Section. The treasurer shall reduce the deposit made
 7 pursuant to this ~~Subparagraph~~ Paragraph by the amount of deposits made pursuant
 8 to ~~Subparagraphs (b) and (c)~~ Paragraphs (2) and (3) of this ~~Paragraph~~ Subsection.

9 ~~(R.S. 49:213.7(B)(2)(b))~~ (2) Ten million dollars of the mineral revenues in
 10 excess of six hundred million dollars which remain after the allocations provided for
 11 in ~~Subsection A~~ B of this Section are made by the treasurer.

12 ~~(R.S. 49:213.7(B)(2)(c))~~ (3) Ten million dollars of the mineral revenues in
 13 excess of six hundred fifty million dollars which remain after the allocations
 14 provided in ~~Subsection A~~ B of this Section are made by the treasurer.

15 ~~(R.S. 49:213.7(C)(1))~~ E.(1) Subject to Article VII, Sections 9(B) and 10.1 of the
 16 state constitution, in each fiscal year, the federal revenues that are received by the
 17 state generated from Outer Continental Shelf oil and gas activity and eligible, as
 18 provided by federal law, to be used for the purposes provided in this Subsection shall
 19 be deposited and credited by the treasurer to the Coastal Protection and Restoration
 20 Fund.

21 ~~(R.S. 49:213.7(C)(2))~~ (2) Such federal revenues shall be used only for the purposes
 22 of integrated coastal protection, including but not limited to coastal wetlands
 23 conservation, coastal restoration, hurricane protection, ~~and or for~~ or for infrastructure
 24 directly impacted by coastal wetlands losses.

25 ~~(R.S. 49:213.7(C)(3))~~ (3) In each year, no more than ten percent of the federal
 26 revenues received by the state generated from Outer Continental Shelf oil and gas
 27 activity may be used for the purposes of infrastructure directly impacted by coastal
 28 wetlands losses.

29 ~~(R.S. 49:213.7(D))~~ E. The money in the fund shall be invested as provided by law
 30 and any earnings realized on investment of money in the fund shall be deposited in

1 and credited to the fund. Revenues derived from integrated coastal protection
 2 programs, projects, or activities shall be deposited in and credited to the fund.

3 Money from other sources, such as donations, appropriations, or dedications, may
 4 be deposited in and credited to the fund; however, the balance of the fund which,
 5 exclusive of federal revenues received as provided for in Subsection ~~€~~ E of this
 6 Section, consists of mineral revenues from severance taxes, royalty payments, bonus
 7 payments, or rentals shall not exceed five hundred million dollars. Any unexpended
 8 money remaining in the fund at the end of the fiscal year shall be retained in the
 9 fund.

10 ~~(R.S. 49:213.7(E))~~ G. The money in the Coastal Protection and Restoration Fund
 11 is subject to appropriations by the legislature for the purposes of integrated coastal
 12 ~~restoration, conservation, and hurricane~~ protection. The money in the fund may be
 13 used only for those projects and programs which are consistent with the statement
 14 of intent, R.S. ~~49:213.1~~ 49:214.1, and the annual plan as it pertains to the ~~coastal~~
 15 ~~restoration, conservation and hurricane~~ integrated coastal protection and may include
 16 but not be limited to the following purposes:

17 ~~(R.S. 49:213.7(D)(1))~~ (1) Projects and structures engineered for the enhancement,
 18 creation, or restoration of coastal wetlands.

19 ~~(R.S. 49:213.7(D)(2))~~ (2) Match for federal or local project planning, design,
 20 construction, and monitoring.

21 ~~(R.S. 49:213.7(D)(3))~~ (3) Administration and project management, planning, design,
 22 construction, and monitoring.

23 ~~(R.S. 49:213.7(D)(4))~~ (4) Operation and maintenance of structural projects
 24 consistent with the purpose of this fund.

25 ~~(R.S. 49:213.7(D)(5))~~ (5) Vegetation planting, seeding, or other revegetation
 26 methods.

27 ~~(R.S. 49:213.7(D)(6))~~ (6) Planning and implementation of modifications to federal,
 28 state, or local flood control, navigation, irrigation, or enhancement projects.

1 ~~(R.S. 49:213.7(D)(7))~~ (7) For coastal wetlands conservation, coastal restoration,
 2 coastal zone management, hurricane protection, and infrastructure directly impacted
 3 by coastal wetlands losses.

4 (8) The administration and operation of the Office of Coastal Protection and
 5 Restoration, the Coastal Protection and Restoration Authority, the Governor's
 6 Advisory Commission on Coastal Protection, Restoration, and Conservation, and the
 7 Coastal Protection and Restoration Financing Corporation.

8 (9) Projects and programs promoting scientific, technical, and engineering
 9 advancements for the sustainability of coastal Louisiana and ensuring that the best
 10 available scientific and technical information and tools are available for the
 11 implementation of the master plan and annual plan.

12 ~~(R.S. 49:213.7(F))~~ H. As used in this Section, the term "balance of the fund"
 13 shall mean those monies in the fund which have not been expended or obligated
 14 under the plan approved pursuant to R.S. ~~49:213.6~~ 49:214.5.3, or otherwise obligated
 15 in accordance with law.

16 §214.5.5. Private property and public rights

17 ~~(R.S. 49:213.8)~~ Recognizing that a substantial majority of the coastal ~~wetlands~~
 18 lands in Louisiana are privately owned, it is anticipated that a significant portion of
 19 the projects funded through the Coastal Protection and Restoration Fund either will
 20 occur on or in some manner affect private property. No rights whatsoever shall be
 21 created in the public, whether such rights be in the nature of ownership, servitude,
 22 or use, with respect to any private lands or waters utilized, enhanced, created, or
 23 otherwise affected by activities of any governmental agency, local, state, or federal,
 24 or any person contracting with same for the performance of any activities, funded in
 25 whole or in part, by expenditures from the Coastal Protection and Restoration Fund
 26 or expenditures of federal funds. In the event legal proceedings are instituted by any
 27 person seeking recognition of a right of ownership, servitude, or use in or over
 28 private property solely on the basis of the expenditure of funds from the Coastal
 29 Protection and Restoration Fund, the state shall indemnify and hold harmless the

1 owner of such property for any cost, expense, or loss related to such proceeding,
2 including court costs and attorney fees.

3 §214.5.6. Measure of compensation; property taken for public purposes; venue

4 ~~(R.S. 49:213.10)(A)~~ A. The full police power of the state shall be exercised to
5 address the rapid, ongoing, and catastrophic loss of coastal Louisiana, and in order
6 to devote the maximum resources of the state to meet this immediate and compelling
7 public necessity, compensation to be paid for property taken for public purposes
8 related to coastal wetlands conservation, management, preservation, enhancement,
9 creation, or restoration shall only be paid by the state or its political subdivisions as
10 provided in this Section.

11 ~~(R.S. 49:213.10)(B)~~ B. Compensation paid for the taking of, including loss or
12 damage to, property rights affected by coastal wetlands conservation, management,
13 preservation, enhancement, creation, or restoration activities shall be governed by
14 and strictly limited to the amount and circumstances required by the Fifth
15 Amendment of the Constitution of the United States of America.

16 ~~(R.S. 49:213.10)(C)~~ C. Notwithstanding any other provision of law to the contrary,
17 any person who has entered into an oyster lease with the state and who is claiming
18 compensation pursuant to this Section arising out of or in any way related to the
19 oyster lease granted by the state shall file such action only in the Nineteenth Judicial
20 District Court for the Parish of East Baton Rouge.

21 ~~(R.S. 49:213.10)(D)~~ D. The full police power of the state shall be exercised to
22 address the loss and devastation to the state and individuals arising from hurricanes,
23 storm surges and flooding. To devote the maximum resources of the state to meet
24 these immediate and compelling public necessities, compensation paid for the taking
25 of, or loss or damage to, property rights necessary for the construction, enlargement,
26 improvement, or modification of federal or non-federal hurricane protection projects,
27 including mitigation related thereto, shall be limited to the compensation required
28 by the Fifth Amendment of the Constitution of the United States of America unless
29 an exception as provided in Article I, Section 4(G) of the Constitution of Louisiana
30 is applicable.

1 §214.5.7. Legal representation of the Authority; attorney general
 2 ~~(R.S. 49:213.11)~~ The attorney general or his designee shall be the legal advisor
 3 to the authority, shall counsel and advise the authority, and shall represent the
 4 authority in all legal proceedings.

5 §214.5.8. Certain activities on dunes prohibited; penalties; speed limits on beaches
 6 ~~(R.S. 49:213.9(A))~~ A. Except as provided in Subsection B of this Section, unless
 7 operating under a permit issued by a state or federal agency, no person shall engage
 8 in any of the following activities on any dune located on public or private land in the
 9 coastal ~~zone~~ area:

10 ~~(R.S. 49:213.9(A)(1))~~ (1) Willful or malicious cutting, altering, breaking, or
 11 destroying a dune in any manner or attempting to cut, alter, break, or destroy a dune
 12 in any manner.

13 ~~(R.S. 49:213.9(A)(2))~~ (2) Riding, driving, operating, or hauling any motorized or
 14 mechanical vehicle except on public roads.

15 ~~(R.S. 49:213.9(B))~~ B. Notwithstanding the provisions of Paragraph ~~(2)~~ of
 16 ~~Subsection A~~ (A)(2) of this Section, private owners of land located in the coastal
 17 ~~zone~~ area, their employees, or independent contractors hired by the landowner may
 18 traverse dunes located on land owned by that landowner using motorized and
 19 mechanical vehicles during the course and scope of inspection, repair, construction,
 20 or other improvements to the land.

21 ~~(R.S. 49:213.9(C))~~ C. "Dune" shall be defined as a natural or man-made mound
 22 or bluff of sand, located landward of the beach, that has sufficient vegetation, height,
 23 continuity, and configuration to be of protective value.

24 ~~(R.S. 49:213.9(D))~~ D. Violation of this Section shall be punishable as follows:

25 ~~(R.S. 49:213.9(D)(1))~~ (1) For the first offense, the fine shall be one hundred dollars.

26 ~~(R.S. 49:213.9(D)(2))~~ (2) For the second offense, the fine shall be five hundred
 27 dollars.

28 ~~(R.S. 49:213.9(D)(3))~~ (3) For the third and all subsequent offenses, the fine shall be
 29 one thousand dollars and imprisonment for not less than thirty days, nor more than
 30 sixty days.

1 ~~(R.S. 49:213.9(E))~~ E. In those parishes with a population between nine thousand
 2 five hundred and ten thousand five hundred as determined by the latest federal
 3 decennial census, the parish governing authority may enact speed limits on beaches.

4 §214.6.1. Office of Coastal Protection and Restoration

5 A. The Office of Coastal Protection and Restoration is created and shall be
 6 a body corporate with the power to sue and be sued. The domicile of the office shall
 7 be in Baton Rouge.

8 (1) The Office of Coastal Protection and Restoration has all of the rights,
 9 powers, and immunities incident to corporations. It may acquire, own, administer,
 10 alienate, and otherwise dispose of all kinds of property, movable and immovable,
 11 tangible and intangible; contract; adopt, alter, or destroy an official seal; sue and be
 12 sued, implead, and be impleaded. Except as otherwise expressly provided by this
 13 Chapter, the office may perform every act necessary, convenient, or incidental to the
 14 exercise of its power and authority, the discharge of its duties, or the performance
 15 of its functions.

16 (2) The office shall be the implementation and enforcement arm of the
 17 Coastal Protection and Restoration Authority. The office shall be directed by the
 18 policy set by the Coastal Protection and Restoration Authority as enumerated in R.S.
 19 49:214.1.

20 (3) The office, through its offices and officers, shall be responsible for the
 21 implementation and enforcement of the master plan and annual plan. This office
 22 shall implement the integration of hurricane protection, storm damage reduction,
 23 flood control, infrastructure, and coastal protection and restoration efforts in
 24 accordance with the master plan and annual plans.

25 (4) The provisions of R.S. 44:5(A) shall not be applicable to any activities
 26 or records of or pertaining to the office.

27 B. Executive director and deputy director of the Office of Coastal Protection
 28 and Restoration

29 (1) There shall be an executive director of the Office of Coastal Protection
 30 and Restoration. He shall report to the Coastal Protection and Restoration Authority

1 for all matters within the jurisdiction and purview of the Coastal Protection and
 2 Restoration Authority, and work in conjunction with the executive assistant.

3 (2) The executive director shall be appointed by the governor and shall serve
 4 at the pleasure of the governor.

5 (3) The executive director, or his designee shall have authority, subject to the
 6 budgetary constraints of the funding provided in R.S. 49:214.5.4, and in accordance
 7 with applicable rules and regulations of the civil service commission to employ,
 8 appoint, transfer, assign, terminate, and promote such personnel as is necessary for
 9 the efficient administration of the Office of Coastal Protection and Restoration.

10 (4) The executive director, or his designee, shall approve all plans,
 11 specifications, and estimates for the construction of all projects for which the office
 12 is responsible. He also shall have such other duties as may be assigned to him by the
 13 Coastal Protection and Restoration Authority, by the provisions of this Chapter, or
 14 by the laws of this state. He shall report the proceedings of his office annually to the
 15 Coastal Protection and Restoration Authority and at such other times as the Coastal
 16 Protection and Restoration Authority may designate, and he shall make any
 17 additional reports as are required by the Coastal Protection and Restoration
 18 Authority.

19 (5) The executive director, or in his discretion a subordinate or subordinates,
 20 shall administer the programs, projects, and activities approved and funded by the
 21 Coastal Protection and Restoration Authority relating to and affecting integrated
 22 coastal protection, including conservation, restoration, creation, and enhancement
 23 of coastal wetlands, hurricane protection and flood control in Louisiana as provided
 24 by law and as provided in the master and annual plans, and other special programs
 25 as may be directed by the Coastal Protection and Restoration Authority, except those
 26 relative to coastal zone management as provided in R.S. 49:214.21, et seq.

27 ~~R.S. 49:213.4(B)(13)~~ (6) Report The executive director shall report annually to the
 28 legislature as to the progress of the projects and programs enumerated in the ~~plan~~
 29 master plan or annual plans or any component thereof. For each project or program,

1 estimated construction and maintenance costs, progress reports, and estimated
2 completion timetables shall be provided.

3 (7) The executive director is granted full power and authority to delegate,
4 assign, or appoint in his discretion any subordinate to perform any function or duties
5 required by law to be performed by the office, except as specifically provided in this
6 Title. This grant of power and authority shall be liberally construed to effectuate the
7 purposes of this Chapter.

8 (8) The executive director shall provide the necessary reports, staff,
9 assistance, and support to the Coastal Protection and Restoration Authority in order
10 to assist in the development of the master plan and annual plan.

11 (9) The executive director may appoint ex officio notaries in accordance with
12 the provisions of R.S. 35:410.

13 (10) There shall be a deputy executive director of the Office of Coastal
14 Protection and Restoration. He shall perform all duties defined in this Section in the
15 absence of the executive director or through authority delegated to him by the
16 executive director or in conjunction with the duties of the executive director.

17 §214.6.2. Functions and Responsibilities; coastal activities

18 A. The office shall administer the programs of the Coastal Protection and
19 Restoration Authority. The executive director may use his contracting authority, or
20 the contracting authority of any state department or agency, to implement the
21 provisions of this Chapter. Such contracting authority shall include construction
22 management at risk, operation and maintenance, design-build, design-build-operate
23 and maintain, and design-build-finance-operate and maintain, or any combination of
24 design, construction, finance, and services for operation and maintenance of an
25 integrated coastal protection project, where appropriate. The Office of Coastal
26 Protection and Restoration shall have the authority to execute and implement said
27 contracts entered into under the authority of R.S. 49:214.5.2(A)(7).

28 B. The office shall implement projects relative to the protection,
29 conservation, enhancement, and restoration of the coastal area of the state through
30 oversight of integrated coastal projects and programs consistent with the legislative

1 intent as expressed in R.S. 49:214.1. However, no integrated coastal protection
 2 construction project shall be undertaken except those included in an annual plan
 3 finally approved by the legislature in accordance with the provisions of R.S.
 4 49:214.5.3, regardless of the source of funds for the project, except in cases of
 5 projects undertaken and financed out of the emergency fund, established in the
 6 annual plan. An emergency for which such fund shall be used shall be defined by
 7 the authority and all funds shall be spent only in accord with procedures established
 8 by the authority for such fund. All projects undertaken pursuant to the provisions of
 9 this Chapter shall be either funded through the Coastal Protection and Restoration
 10 Fund or other sources of funding, including but not limited to direct federal aid,
 11 grants, gifts, and other donations received by the state for the purposes of this
 12 Chapter.

13 C. The office shall:

14 (1) Receive all monies appropriated from the Coastal Protection and
 15 Restoration Fund to the Office of Coastal Protection and Restoration for
 16 implementation of all programs and projects contained in an annual plan developed
 17 by the Coastal Protection and Restoration Authority and approved by the legislature,
 18 except that the Department of Natural Resources, office of coastal management, shall
 19 receive any funds allocated in the annual plan for the coastal zone management
 20 program.

21 (2) Have oversight over the administration of all matters related to the study,
 22 planning, engineering, design, construction, extension, improvement, repair, and
 23 regulation of integrated coastal protection.

24 ~~(R.S. 49:213.4(C)(6))~~ (3) Take such other actions not inconsistent with law as are
 25 necessary to properly perform the functions of the authority office.

26 (4) Utilize the services of the Department of Natural Resources, office of
 27 management and finance, for accounting and budgetary control, procurement and
 28 contractual management, data processing, management and program analysis,
 29 personnel management and grants management, provided that the secretary of the

1 Department of Natural Resources shall exercise no authority over the provision of
2 these services.

3 D. The office may:

4 (1) Negotiate and execute contracts, upon such terms as the office may
5 agree, for legal, financial, consulting, or other professional services or personal
6 services necessary to the conduct of the office. In addition, the office may enter into
7 contracts for engineering and construction services or agreements with the federal
8 government, local governing authorities, political subdivisions, or with other public
9 or private entities for the administration, implementation, or enforcement of
10 integrated coastal protection projects, programs, or activities as directed by the
11 Coastal Protection and Restoration Authority.

12 (2) Acquire by purchase, donation, or otherwise any land rights needed for
13 integrated coastal protection projects and other property required for the operation
14 of the projects that are to be owned and operated by the office or political
15 subdivision of the state; provided, that any property acquired for any project may
16 reserve the minerals to the landowners, whether private or public, in accordance with
17 the provisions of R.S. 31:149.

18 (3) Develop procedures to evaluate new and improved integrated coastal
19 protection technologies.

20 (4) Perform pre-construction and post-construction monitoring of projects
21 that will be implemented or have been implemented by the office.

22 (5) Coordinate integrated coastal protection efforts with local governments,
23 political subdivisions, interest groups, and the public.

24 (6) Develop, implement, operate, maintain, and monitor integrated coastal
25 protection plans and projects.

26 (7) Take any other action necessary to administer any plans, projects,
27 policies, or programs consistent with the master plan or any annual plan.

28 E.(1) The office may utilize the science and technology capacity of
29 Louisiana universities to enhance integrated coastal protection programs, projects,
30 and activities for the following purposes:

1 (a) To identify any uncertainty relating to the physical, chemical, geological,
 2 biological, and cultural baseline conditions in the coastal area.

3 (b) To improve the knowledge of the physical, chemical, ecological,
 4 biological, and cultural baseline conditions in the coastal area.

5 (c) To identify and develop technologies, models, methods, and
 6 demonstrations to carry out the purposes of this Subsection.

7 (d) To advance and expedite the implementation of the master plan.

8 (2) In carrying out the provisions of this Subsection, the office may enter
 9 into contracts and cooperative agreements with Louisiana universities, or consortia
 10 of those universities, to enhance integrated coastal protection programs, projects, and
 11 activities.

12 F. Any rule, regulation, or guideline developed pursuant to this Subpart shall
 13 be proposed or adopted pursuant to the rulemaking procedures set forth in the
 14 Administrative Procedure Act.

15 §214.6.3. Functions and responsibilities; hurricane protection and flood control

16 A. Legislative Intent

17 ~~(R.S. 38:241(A))~~ (1) The legislature recognizes that under Article VI,
 18 Section 9 of the Louisiana Constitution the state carries the ultimate responsibility
 19 for the protection of the health and safety of the people of Louisiana. Though in
 20 many policy areas, including the exercise of certain police powers, the management
 21 of affairs is best handled by a local entity, the legislature must remain vigilant in
 22 evaluating whether the advantages of a statewide, coordinated effort come to
 23 outweigh the advantages that local governments have in responding to local
 24 concerns.

25 (2) As Hurricanes Katrina, Rita, Gustav, and Ike have taught us, integrated
 26 coastal protection has become a state issue. The existing, disjointed system of local
 27 levee districts is not conducive to the development of a coordinated plan for
 28 hurricane protection and flood control nor to the implementation of such a plan. ~~(R.S.~~
 29 ~~38:241(D))~~ With the passage of Act No. 8 of the 2005 First Extraordinary Session
 30 of the Legislature, the state recognized the need for the development of a single

1 coast-wide plan for both coastal restoration and hurricane ~~flood protection~~ protection
 2 and flood control. Levees and other flood control structures and marsh are both
 3 important for protecting Louisiana from the storm surge that hurricanes bring. In
 4 light of the tremendous coastal land loss that the state has already endured, if levee
 5 programs and coastal restoration programs continue to be operated independently
 6 and without consideration of the other, the state will never achieve the goal of
 7 providing the best possible hurricane ~~flood protection~~ protection and flood control
 8 for its citizens.

9 ~~(R.S. 38:241(E))~~ (3) The legislature concludes from these findings that the state
 10 should assume direct responsibility for the coordinating, planning, constructing,
 11 realigning, and repairing of hurricane protection ~~levees and other hurricane flood~~
 12 ~~protection~~ and flood control levees and structures and facilities in a manner
 13 consistent with R.S. 49:214.1~~(E)~~.

14 ~~(R.S. 38:241(F)(1))~~ (4) This Section provides for the functions, powers, and
 15 responsibilities of the Office of ~~Hurricane Protection, Flood Control and Coastal~~
 16 Coastal Protection and Restoration, which office is charged with oversight of the
 17 design, construction, extension, improvement, repair, and regulation of hurricane
 18 ~~flood protection~~ protection and flood control projects in the coastal ~~zone~~ area. ~~(R.S.~~
 19 ~~38:241(F)(3))~~ The Section also provides for the integration of the state's hurricane
 20 protection and flood control efforts with coastal restoration efforts through the
 21 Coastal Protection and Restoration Authority.

22 B. Office of Coastal Protection and Restoration duties and responsibilities
 23 regarding hurricane protection and flood control:

24 (1) The office shall have oversight of the administration of all matters related
 25 to the studying, planning, engineering, design, construction, extension, improvement,
 26 repair, and regulation of a hurricane protection and flood control system, including
 27 but not limited to the construction and design of a hurricane protection and flood
 28 control system consisting of levees and associated elements to provide protection
 29 against tidal surges within the coastal area.

1 (2) The inspection of hurricane protection and flood control levees and
2 structures within the coastal area shall be the responsibility of the Office of Coastal
3 Protection and Restoration. The executive director or his designee shall regularly
4 cause such structures to be inspected and shall maintain a report of such inspections.

5 ~~(R.S. 49:213.12)~~ The office shall establish and implement a comprehensive
6 hurricane and flood control protection inspection program. Such program shall
7 include the following:

8 (a) Reviewing of hurricane protection and flood control diagrams, designs,
9 and plans.

10 (b) Monitoring of defects and problems.

11 (c) Conducting of an inspection of every hurricane protection and flood
12 control barrier and associated elements at least every five years, or after a hurricane
13 impacts a hurricane protection and flood control barrier and associated elements. If
14 a defect or problem is identified, then the authority shall measure and test elevations,
15 soil conditions, and structural integrity of the hurricane protection and flood control
16 barrier and associated elements.

17 (d) The office shall report a notice of defect in the hurricane protection and
18 flood control within thirty days of the inspection results to the appropriate entity or
19 political subdivision. The notice shall contain a description of the defect. The notice
20 of defect shall be mailed by certified mail or return receipt requested. The
21 appropriate entity, or political subdivision, shall have forty-five days from receipt of
22 the notice of defect to provide the office with a plan and timeline to remedy the
23 defect.

24 (3) The exercise of any authority with respect to hurricane protection and
25 flood control by a political subdivision within the coastal area is subject to the
26 oversight and approval of the office in accordance with rules and regulations adopted
27 by the office.

28 (4) No state agency or entity shall enter into a contract with the United States
29 Army Corps of Engineers which would require the state to assume liability for or
30 provide the cost of operations and maintenance for a hurricane protection project

1 unless the contract provides for independent third-party review and evaluation in
 2 accordance with the best available science and technical capabilities to confirm the
 3 project's anticipated level of protection against hurricane flooding prior to the state
 4 or political subdivision assuming liability and operations and maintenance
 5 obligations. The independent third-party reviewer and evaluator provided for in the
 6 contract shall be approved by both the United States Army Corps of Engineers and
 7 the state agency or entity. However, the provisions of this Subsection shall not apply
 8 to contracts for routine maintenance or other minor construction or repairs, or in
 9 cases where there is imminent threat to life or property, or when the chairman of the
 10 Coastal Protection and Restoration Authority, with the approval of the Coastal
 11 Protection and Restoration Authority, determines that an emergency exists whereby
 12 compliance with the provisions of this Subsection would create an unreasonable
 13 hardship.

14 §214.6.4. Functions and responsibilities; continuation of certain flood control
 15 projects

16 Nothing in this Chapter is intended to interfere with or impede the design,
 17 planning, construction, or financing of any flood protection project undertaken by
 18 any levee district within the coastal area which were initiated prior to January 1,
 19 2006.

20 §214.6.5. Hurricane protection and flood control activities; levees or levee drainage
 21 purposes; taking of property; compensation

22 A. Pursuant to Article 1, Section 4(G) and Article VI, Section 42(A) of the
 23 Constitution of Louisiana, compensation paid for the taking of, or loss or damage to,
 24 property rights affected by the construction, enlargement, improvement, or
 25 modification of federal or non-federal hurricane protection projects, including
 26 mitigation related thereto, shall not exceed the compensation required by the Fifth
 27 Amendment of the Constitution of the United States of America.

28 B. For the purposes of this Section, "full extent of the loss" as provided in
 29 any law or rule affecting taking of property for the purposes set forth in Subsection

1 A of this Section shall mean compensation required by the Fifth Amendment of the
2 Constitution of the United States of America.

3 C. The provisions of this Section shall supersede and control to the extent
4 of conflict with any other provision of law.

5 D. As provided in Article I, Section 4(G) of the Constitution of Louisiana,
6 the provisions of this Section shall not apply to compensation paid for a building or
7 structure that was destroyed or damaged by an event for which a presidential
8 declaration of major disaster or emergency was issued, if the taking occurs within
9 three years of such event.

10 §214.6.6. Infrastructure Priority Program; applications; evaluations

11 A. Applications for funding of any infrastructure project may be submitted
12 by any political subdivision of the state. For any infrastructure projects, applications
13 shall be made to the Coastal Protection and Restoration Authority by November first
14 of each year for consideration of funding in the following fiscal year. Applications
15 submitted in accordance with the provisions of this Section shall not be subject to the
16 provisions of R.S. 39:101. Agencies submitting applications for projects in this
17 program shall be responsible for preparation of applications for their respective
18 projects. Information to be provided in the application shall include but not be
19 limited to the following:

20 (1) Description of the infrastructure impacted by coastal wetlands loss and
21 demonstration of need for the project and benefits of the project.

22 (2) Preliminary project design and cost estimate.

23 (3) Description of project area including the geographical area affected, and
24 land ownership information.

25 (4) Description of how the project is consistent with the priorities of the
26 master plan and how the project will address mitigation issues.

27 B. Project applications shall not be subjected to formal review and
28 evaluation until the information required in the application has been submitted or is
29 determined to be unavailable.

1 C. The applications submitted by agencies shall be evaluated by the Coastal
 2 Protection and Restoration Authority which shall hold no less than three public
 3 hearings in separate locations within the coastal area for the purpose of receiving
 4 public testimony and comment from requesting authorities and citizens regarding the
 5 proposed infrastructure projects. Such hearings may be held at the same time and
 6 location as hearings set for public comment on the annual plan. The office shall
 7 prioritize and rank such applications. The office shall provide its application
 8 evaluations to the authority.

9 D. Based upon the evaluations of the office, the authority may compile a list
 10 of infrastructure projects to be formally included in the annual plan.

11 §214.6.7. Barrier Islands, Shoreline Stabilization, and Preservation
 12 (~~R.S. 49:214.7(A)~~) A. The ~~secretary of the Department of Natural Resources~~
 13 executive director of the Office of Coastal Protection and Restoration shall establish
 14 a barrier islands and shorelines stabilization and preservation program. As part of
 15 the barrier islands and shorelines program, the ~~department~~ office shall require that
 16 all projects subject to public bid include appropriate dredges for use to stabilize and
 17 preserve barrier islands and shorelines. In addition, the ~~department~~ office shall
 18 require that all barrier island stabilization and preservation projects mandate a
 19 minimum dune height of eight feet with vegetation where appropriate.

20 (~~R.S. 49:214.7(B)~~) B. By September first each year, the governing authority of
 21 each parish which has barrier islands and shorelines shall submit to the ~~secretary~~
 22 office and the Coastal Protection and Restoration Authority a list of barrier islands
 23 and shorelines stabilization and preservation projects requested for that parish. The
 24 ~~Department of Natural Resources~~ office shall review the projects submitted and by
 25 December first of each year shall issue a list which prioritizes those requests.

26 (~~R.S. 49:214.7(C)~~) C. The priority list shall be promulgated and shall be subject
 27 to legislative oversight by the House Committee on Natural Resources and
 28 Environment and the Senate Committee on Natural Resources under the
 29 Administrative Procedure Act. Such oversight shall occur prior to ~~February~~ March
 30 first each year.

1 ~~(R.S. 49:214.7(D))~~ D. Funding for the barrier islands and shorelines stabilization
 2 and preservation projects shall be available from the Barrier Island Stabilization and
 3 Preservation Fund. In the event funding from the Barrier Island Stabilization and
 4 Preservation Fund is not appropriated in a given year, the barrier islands and
 5 shorelines stabilization and preservation program shall be suspended until funds are
 6 appropriated for the program.

7 ~~(R.S. 49:214.8(A))~~ E.(1) There is hereby created, as a special fund in the state
 8 treasury, the Barrier Island Stabilization and Preservation Fund, hereinafter referred
 9 to as the "Barrier Island fund". The source of monies in the fund shall be
 10 appropriations, donations, grants, and other monies which may become available for
 11 the purposes of the fund.

12 ~~(R.S. 49:214.8(B))~~ (2) The monies in the fund shall be subject to appropriation
 13 and may ~~only be used as provided in R.S. 49:214.6(C)(4)(d)(iii).~~ be used only
 14 as provided in this Section. The monies in the fund shall be invested by the treasurer
 15 in the same manner as monies in the state general fund, and interest earnings shall
 16 be deposited in and credited to the fund. All unexpended or unencumbered monies
 17 remaining in the fund at the end of the fiscal year shall remain to the credit of the
 18 fund.

19 ~~(R.S. 49:214.8(C))~~ (3) Monies appropriated from the fund shall be used
 20 exclusively by the ~~Department of Natural Resources~~ Office of Coastal Protection
 21 and Restoration to support the barrier island stabilization and preservation program
 22 ~~within the Louisiana Coastal Wetlands Conservation and Restoration Program, as~~
 23 ~~provided in § 214.6(C)(4)(a).~~

24 ~~(R.S. 49:214.7(E))~~ F. The ~~Department of Natural Resources~~ Office of Coastal
 25 Protection and Restoration shall annually submit a barrier island status report to the
 26 legislature. The report shall indicate the condition of all barrier islands, provide the
 27 status of all barrier island stabilization and preservation projects under construction,
 28 and shall outline future plans for restoration and maintenance of the barrier islands
 29 and coastal passes. The annual report shall be submitted to each member of the
 30 legislature during the regular session of the legislature.

1 §214.6.8. Coastal passes stabilization and restoration program

2 ~~(R.S. 49:214.9(A))~~ A. The ~~secretary of the Department of Natural Resources~~

3 executive director of the Office of Coastal Protection and Restoration shall establish

4 a coastal passes stabilization and restoration program ~~within the Louisiana Coastal~~

5 ~~Wetlands Conservation and Restoration Program~~. As part of the coastal passes

6 stabilization and restoration program, the ~~department~~ office shall require, when

7 appropriate, that all coastal restoration or preservation projects subject to public bid

8 include provisions for beneficial use of dredge material, rocks, or other hard

9 materials to stabilize and restore coastal passes.

10 ~~(R.S. 49:214.9(B))~~ B. By September first each year, the governing authority of

11 each parish which has coastal passes shall submit to the ~~secretary~~ Office of Coastal

12 Protection and Restoration a list of coastal passes stabilization and restoration

13 projects requested for that parish. The Office of ~~Hurricane Protection, Flood~~

14 ~~Control, and Coastal Restoration~~ shall review the Coastal Protection and Restoration

15 shall review the projects submitted and by November first of each year shall issue

16 a list which prioritizes those requests.

17 ~~(R.S. 49:214.9(C))~~ C. The priority list shall be promulgated and shall be subject

18 to legislative oversight by the House Committee on Natural Resources and

19 Environment and the Senate Committee on Natural Resources under the

20 Administrative Procedure Act. Such oversight shall occur prior to March first each

21 year.

22 ~~(R.S. 49:214.9(D))~~ D. Funding for the coastal passes stabilization and restoration

23 projects shall be available from the Coastal Passes Stabilization and Restoration

24 Fund. In the event funding from the Coastal Passes Stabilization and Restoration

25 Fund is not appropriated in a given year, the Coastal Passes Stabilization and

26 Restoration Program shall be suspended until funds are appropriated for the program.

27 ~~(R.S. 49:214.10(A))~~ E.(1) There is hereby created, as a special fund in the state

28 treasury, the Coastal Passes Stabilization and Restoration Fund, hereinafter referred

29 to as the "Coastal Passes fund". The source of monies in the fund shall be

1 appropriations, donations, grants, and other monies which may become available for
 2 the purposes of the fund.

3 ~~(R.S. 49:214.10(B))~~ (2) The monies in the fund shall be subject to appropriation
 4 and may ~~only be used~~ be used only as provided in ~~Subsection C~~ Paragraph (E)(3) of
 5 this Section. The monies in the fund shall be invested by the treasurer in the same
 6 manner as monies in the state general fund, and interest earnings shall be deposited
 7 in and credited to the fund. All unexpended or unencumbered monies remaining in
 8 the fund at the end of the fiscal year shall remain to the credit of the fund.

9 ~~(R.S. 49:214.10(C))~~ (3) Monies appropriated from the fund shall be used
 10 exclusively by the ~~Department of Natural Resources~~ Office of Coastal Protection and
 11 Restoration to support the Coastal Passes Stabilization and Restoration Program
 12 ~~within the Louisiana Coastal Wetlands Conservation and Restoration Program, as~~
 13 ~~provided in R.S. 49:214.9.~~

14 §214.6.9. Authority for integrated coastal protection surveying

15 The Office of Coastal Protection and Restoration and its authorized agents
 16 and employees shall also have the power to enter upon any lands, waters, and
 17 premises in the state for the purpose of making such surveys, soundings, drillings,
 18 and examinations as may be necessary or convenient for carrying out the purposes
 19 of integrated coastal protection, which entry shall not be deemed a civil or criminal
 20 trespass nor a temporary construction servitude, nor shall it be deemed an entry
 21 under any eminent domain proceedings which may be then pending, provided that
 22 prior written notice of five days to resident owners and fifteen days to nonresident
 23 owners be given to the last record property owner as reflected in the parish
 24 assessment rolls. Written notice shall consist of mailing the notice by certified mail
 25 to the last known address of the owner as shown in the current assessment records.
 26 The Office of Coastal Protection and Restoration shall indemnify the property owner
 27 for any loss or injury resultant from entry upon the property and shall make
 28 reimbursement for any actual damages resulting to lands, waters, and premises as a
 29 result of these activities.

1 or may authorize another person to accompany the person conducting the survey or
 2 taking the sample. Such surveys shall be conducted in the manner provided in
 3 procedures promulgated by the ~~Department of Natural Resources~~ Office of Coastal
 4 Protection and Restoration after consideration of recommendations by the Louisiana
 5 Oyster Task Force.

6 * * *

7 §425. Lease of water bottoms; stipulations; boundary disputes

8 * * *

9 E. No lease shall be granted for any water bottom for which any lease was
 10 previously acquired by the state for integrated coastal protection, unless the ~~secretary~~
 11 executive director of the Office of Coastal Protection and Restoration determines that
 12 leasing would otherwise be appropriate under the provisions of this Subpart and the
 13 ~~secretary of the Department of Natural Resources~~ executive director of the Office of
 14 Coastal Protection and Restoration affirms that the water bottom is not necessary for
 15 integrated coastal protection, ~~conservation, or restoration~~. Unless this determination
 16 has been made prior to issuance of the lease, a lease of water bottom for which a
 17 lease was previously acquired shall be null and void for such water bottom and shall
 18 be of no force or effect. No person shall have any claim against ~~either secretary,~~
 19 ~~either department,~~ the state of Louisiana, its political subdivisions, the United States,
 20 or any agency, agent, contractor, or employee thereof or any other person in relation
 21 to the nullity of such lease.

22 * * *

23 §427.1. State, political subdivisions of the state, and the United States held harmless
 24 in coastal restoration

25 * * *

26 C.(1) A leaseholder whose oyster lease is acquired in whole or in part by the
 27 ~~Department of Natural Resources~~ Office of Coastal Protection and Restoration
 28 pursuant to R.S. 56:432.1 for dredging, direct placement of dredged or other
 29 materials, or other work or activities necessary for the construction or maintenance
 30 of a project for integrated coastal protection, ~~conservation, or restoration~~ may seek

1 compensation from the ~~Department of Natural Resources~~ Office of Coastal
2 Protection and Restoration pursuant to that Section.

3 (2) A leaseholder may seek acquisition and compensation from the
4 ~~Department of Natural Resources~~ Office of Coastal Protection and Restoration
5 pursuant to R.S. 56:432.1 for any portion of an oyster lease that is not acquired by
6 the ~~Department of Natural Resources~~ Office of Coastal Protection and Restoration
7 and upon which dredging, direct placement of dredged or other materials, or other
8 work or activities necessary for the construction or maintenance of a project for
9 integrated coastal protection, ~~conservation, or restoration~~ has occurred.

10 * * *

11 §432.1. Oyster Lease Acquisition and Compensation Program

12 A. The legislature hereby acknowledges potential conflicts between the
13 Department of Wildlife and Fisheries oyster leasing program and the Louisiana
14 coastal restoration program provided for in R.S. ~~49:213.1~~ 49:214.1 et seq. Therefore,
15 the ~~Department of Natural Resources~~ Office of Coastal Protection and Restoration
16 shall develop a program, subject to the requirements and conditions of this Section,
17 for the acquisition of and compensation for oyster leases or portions of oyster leases
18 upon which occurs or will occur dredging, direct placement of dredged or other
19 materials, or other work or activities necessary for the construction or maintenance
20 of a project for integrated coastal protection, ~~conservation, or restoration~~.

21 B. The state of Louisiana, through the ~~Department of Natural Resources~~
22 Office of Coastal Protection and Restoration, may acquire any oyster lease, in whole
23 or in part, due to the impact of dredging, direct placement of dredged or other
24 materials, or other work or activities necessary for the construction or maintenance
25 of a project for integrated coastal protection, ~~conservation, or restoration~~.

26 (1) Acquisition shall be implemented by a notice of acquisition issued to the
27 leaseholder. Such notice shall specify the acreage acquired and the effective date of
28 the acquisition. A plat or map depicting the acreage acquired shall be attached to the
29 notice. The notice and acquisition shall be subject to the following:

1 (a) The ~~Department of Natural Resources~~ Office of Coastal Protection and
2 Restoration shall issue any such notice in writing to the leaseholder at his address on
3 file with the Department of Wildlife and Fisheries on the date of issuance, by hand
4 delivery or certified mail, return receipt requested. If the ~~Department of Natural~~
5 ~~Resources~~ Office of Coastal Protection and Restoration attempts such issuance at
6 least once and is unable to deliver the notice to the leaseholder, the ~~Department of~~
7 ~~Natural Resources~~ Office of Coastal Protection and Restoration shall reissue the
8 notice to the lessee at his address on file with the Department of Wildlife and
9 Fisheries on the date of the re-issuance, by regular mail, and shall publish in the
10 official journal for each parish in which the acquired acreage is located a summary
11 of the notice including identification of the affected acreage, the effective date of the
12 acquisition, and a contact person at the ~~Department of Natural Resources~~ Office of
13 Coastal Protection and Restoration for all inquiries regarding the acquisition. The
14 notice of acquisition may be recorded in the public records of any parish in which
15 the acquired acreage is located.

* * *

17 (2) The ~~Department of Natural Resources~~ Office of Coastal Protection and
18 Restoration shall determine the compensation for any acquisition pursuant to this
19 Section in accordance with rules or regulations adopted by that department after
20 consideration of recommendations by the Louisiana Oyster Task Force, subject to
21 the following:

22 (a) The ~~Department of Natural Resources~~ Office of Coastal Protection and
23 Restoration shall issue its determination of compensation to the leaseholder together
24 with the notice of acquisition and by the same procedure provided for issuance of
25 such notice.

26 (b) The ~~Department of Natural Resources~~ Office of Coastal Protection and
27 Restoration shall consider any reasonably confirmable data or information provided
28 by the leaseholder or any other person in making its determination of compensation,
29 provided that the data or information is submitted in compliance with rules or
30 regulations promulgated by that department prior to the date of initial issuance of the

1 determination of compensation. Such rules or regulations shall provide the
 2 leaseholder at least sixty days in which to submit such data or information before the
 3 initial issuance of the determination of compensation.

4 (3) The ~~Department of Natural Resources~~ Office of Coastal Protection and
 5 Restoration shall issue payment to the leaseholder in the full amount of its
 6 determination of compensation, except for and less any amount due on recorded liens
 7 and encumbrances to be paid out of said proceeds, together with the notice of
 8 acquisition, and by the same procedure provided for issuance of such notice.
 9 Acceptance of such payment shall not preclude any claim for additional
 10 compensation, as provided in this Section. If the ~~Department of Natural Resources~~
 11 Office of Coastal Protection and Restoration is unable to contact the leaseholder by
 12 the procedure provided in Subparagraph (B)(1)(a) of this Section, that department
 13 shall transfer funds in the amount of the determined compensation except for and
 14 less any amount due on recorded liens and encumbrances to be paid out of said
 15 proceeds, to a trust account, instead of attaching such payment to the reissued notice.
 16 Upon request of the leaseholder listed with the Department of Wildlife and Fisheries
 17 on the date notice of acquisition is initially issued, any such compensation may be
 18 withdrawn from the trust account for the benefit of the leaseholder. Any funds
 19 placed in a trust account that remain unclaimed after a period of five years shall be
 20 declared to be abandoned and may be disposed of pursuant to the Uniform
 21 Unclaimed Property Act, R.S. 9:151 et seq. Any amount due on a recorded lien or
 22 encumbrance shall be paid directly to the holder thereof, with a copy of all
 23 documentation of such payment issued to the leaseholder. If the ~~Department of~~
 24 ~~Natural Resources~~ Office of Coastal Protection and Restoration is unable to contact
 25 the holder of the lien or encumbrance, that department shall transfer funds in the
 26 amount of the lien or encumbrance to a trust account, from which it may be
 27 withdrawn for the benefit of the lien or encumbrance holder.

28 (4) To the extent that the ~~Department of Natural Resources~~ Office of Coastal
 29 Protection and Restoration acquires any lease or portion thereof under this Section
 30 in relation to any project or action for integrated coastal protection, ~~conservation, or~~

1 ~~restoration~~ performed by any department, agency, board, commission, or political
 2 subdivision of the state other than the ~~Department of Natural Resources~~ Office of
 3 Coastal Protection and Restoration, such department, agency, board, commission, or
 4 political subdivision shall compensate the ~~Department of Natural Resources~~ Office
 5 of Coastal Protection and Restoration for all costs incurred by the department which
 6 are associated with the acquisition. However, the ~~secretary of the Department of~~
 7 ~~Natural Resources~~ executive director of the Office of Coastal Protection and
 8 Restoration may waive this requirement.

9 C. A leaseholder whose lease is acquired in whole or in part may seek an
 10 administrative hearing through the ~~Department of Natural Resources~~ Office of
 11 Coastal Protection and Restoration as to whether the acquisition due to the impact
 12 of dredging, direct placement of dredged or other materials, or other work or
 13 activities necessary for the construction or maintenance of a project for integrated
 14 coastal protection, ~~conservation, or restoration~~ is proper or whether the compensation
 15 issued by the ~~Department of Natural Resources~~ Office of Coastal Protection and
 16 Restoration satisfies the rules or regulations of that department. A leaseholder whose
 17 lease is not acquired but which was impacted by dredging, direct placement of
 18 dredged or other materials, or other work or activities necessary for the construction
 19 or maintenance of a project for integrated coastal protection, ~~conservation, or~~
 20 ~~restoration~~ has occurred, may also seek an administrative hearing through the
 21 ~~Department of Natural Resources~~ Office of Coastal Protection and Restoration to
 22 determine if acquisition of such acreage would be proper. Adjudication under this
 23 Section shall be conducted in accordance with the following:

24 (1) Adjudication under this Section must be requested in writing and
 25 received by the ~~Department of Natural Resources~~ Office of Coastal Protection and
 26 Restoration within sixty days after issuance of the notice of acquisition,
 27 determination of compensation, or payment as provided in Subsection B of this
 28 Section. However, adjudication of the amount of the compensation must be
 29 requested in writing and received by the ~~Department of Natural Resources~~ Office of
 30 Coastal Protection and Restoration within two years after completion of the project

1 for which the lease or portion of the lease was acquired, if the leaseholder establishes
 2 that notice of the acquisition, determination of compensation, or payment was not
 3 issued as required in this Section. Adjudication of the lack of acquisition of leased
 4 acreage upon which dredging, direct placement of dredged or other materials, or
 5 other work or activities necessary for the construction or maintenance of a project
 6 for integrated coastal protection, ~~conservation, or restoration~~ has occurred must be
 7 requested in writing and received by the ~~Department of Natural Resources~~ Office of
 8 Coastal Protection and Restoration within two years after completion of the project.

9 * * *

10 D. A leaseholder may seek in accordance with the following, judicial review
 11 of the final decision of the administrative law judge based solely on the
 12 administrative record and, except as otherwise provided in this Section, in
 13 accordance with the provisions of Chapter 13-B of Title 49 of the Louisiana Revised
 14 Statutes of 1950.

15 (1) Any petition for judicial review pursuant to this Subsection must be filed
 16 with the Nineteenth Judicial District Court within sixty days after issuance of the
 17 final decision of the administrative law judge. No petition for judicial review may
 18 be filed, and any such petition is premature, unless adjudication has been timely
 19 sought and all administrative remedies have been exhausted. The petition shall be
 20 served upon ~~the secretary of the Department of Natural Resources~~ executive director
 21 of the Office of Coastal Protection and Restoration and all parties of record.

22 * * *

23 §432.2. Annual reporting of coastal protection, conservation, and restoration project
 24 status

25 Once per year, in coordination with the Louisiana Oyster Task Force, the
 26 ~~Department of Natural Resources~~ Office of Coastal Protection and Restoration shall
 27 provide information to the Oyster Task Force regarding the nature, location, and
 28 status of current or planned projects for integrated coastal protection, ~~conservation,~~
 29 ~~or restoration~~ to the extent practical.

1 Section 5. R.S. 35:410 is hereby enacted to read as follows:

2 §410. Ex officio notaries public for the Office of Coastal Protection and Restoration

3 A. The executive director of the Office of Coastal Protection and Restoration
 4 may designate as ex officio notaries public up to five employees of the office.

5 B. Employees so designated may administer oaths, take acknowledgments,
 6 and attest on affidavits, and the authority granted under this Section is limited to acts
 7 and instruments to which the office, the executive director acting for the office, or
 8 the Coastal Protection and Restoration Authority, is a party, and other documents
 9 concerning any matter in which the office or the Coastal Protection and Restoration
 10 Authority has an official interest.

11 C. All acts performed by such ex officio notary public authorized by this
 12 Section shall be performed without charge or other compensation and without the
 13 necessity of giving bond.

14 D. The executive director may suspend or terminate any appointment made
 15 pursuant to this Section at any time, and separation from the employ of the office
 16 shall automatically terminate the powers of such an ex officio notary public.

17 E. The cost of each notarial seal shall be paid by the Office of Coastal
 18 Protection and Restoration.

19 Section 6. R.S. 36:4(J) is hereby repealed in its entirety.

20 Section 7. Chapter 3-A of Title 38 of the Louisiana Revised Statutes of 1950,
 21 comprised of R.S. 38:241 through 251, is hereby repealed in its entirety.

22 Section 8. Subpart A of Part II of Chapter 2 of Title 49 of the Louisiana Revised
 23 Statutes of 1950, comprised of R.S. 49:213.1 through 213.12, and 214.3 through 214.16 are
 24 hereby repealed in their entirety.

25 Section 9. The Coastal Protection and Restoration Authority is hereby assigned and
 26 subsumes all of the duties and responsibilities previously exercised by any other state
 27 agency, including but not limited to, the Department of Natural Resources, the Department
 28 of Transportation and Development, the Office of Public Works, and the Department of
 29 Wildlife and Fisheries with regard to previously executed agreements and contracts, the
 30 purposes of which are under the duties, jurisdiction, responsibilities, and powers granted to

1 the Coastal Protection and Restoration Authority. The Coastal Protection and Restoration
2 Authority is here given the power to execute, sign, modify, amend, and renew any such
3 agreement on its own behalf or on behalf of the state of Louisiana.

4 Section 10. All unfinished business, references in laws and documents, employees,
5 property, obligations, and books and records of the prior plans, projects, policies, and
6 programs assumed by this Act into the Office of Coastal Protection and Restoration or the
7 Coastal Protection and Restoration Authority shall be transferred as provided in this Section.
8 Any pending or unfinished business of the prior plans, projects, policies, and programs shall
9 be taken over and be completed by the new office created by this Act or by the Coastal
10 Protection and Restoration Authority with the same power and authorization as that of prior
11 plans, projects, policies, and programs and the new office or the authority shall be the
12 successor in every way to the prior plans, projects, policies, and programs for the purpose
13 of completing such business. Any reference in laws and documents to either of the prior
14 plans, projects, policies, and programs shall be deemed to apply to the new office or the
15 authority. Any legal proceeding to which the prior plans, projects, policies, and programs
16 are a party and which is filed, initiated, or pending before any court on the effective date of
17 this Section, and all documents involved in or affected by said legal proceeding, shall retain
18 their effectiveness and shall be continued in the name of the new office or the authority. All
19 further legal proceedings and documents in the continuation, disposition, and enforcement
20 of such legal proceeding shall be in the name of the new office or the authority, and the new
21 office or the authority shall be substituted for the prior plans, projects, policies, and
22 programs without necessity for amendment of any document. This Act shall not be construed
23 so as to impair the effectiveness of any rule or policy of either of the prior plans, projects,
24 policies, and programs and any such rule or policy shall remain effective as provided therein
25 or until changed in accordance with law. This Act shall not be construed so as to impair the
26 contractual or other obligations of either of the prior plans, projects, policies, and programs
27 or of the state of Louisiana. All obligations of the prior plans, projects, policies, and
28 programs shall be the obligations of the new office or the authority. The new office or the
29 authority shall be the successor in every way to the prior plans, projects, policies, and
30 programs, including all of their obligations and debts. All dedications and allocations of

1 revenues and sources of revenues heretofore made to or for either of the prior plans, projects,
 2 policies, and programs shall continue in the same manner, to the same extent, and for the
 3 same purposes as were provided prior to the enactment of this Act, unless and until other
 4 provision is made therefor. All books, papers, records, money, actions, and other property
 5 of every kind, movable and immovable, real and personal, heretofore possessed, controlled,
 6 or used by either of the prior plans, projects, policies, and programs are hereby transferred
 7 to the new office or the authority. All employees heretofore engaged in the performance of
 8 duties of the prior plans, projects, policies, and programs, insofar as practicable and
 9 necessary, are transferred to the new office and insofar as practicable and necessary shall
 10 continue to perform the duties heretofore performed, subject to policies and procedures of
 11 the new office, applicable state civil service laws, rules, and regulations, and other applicable
 12 laws. Subject to such laws, positions in the unclassified service shall remain in the
 13 unclassified service.

14 Section 11. This Act shall become effective upon signature by the governor or, if not
 15 signed by the governor, upon expiration of the time for bills to become law without signature
 16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 18 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____